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THE
Parliamentary Debates

FROM
THE YEAR
1803
TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. XII.

COMPRISING THE PERIOD
FROM
THE NINETEENTH DAY OF JANUARY
TO
THE SEVENTH DAY OF MARCH
1809.

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THE

Parliamentary Debates

During the Third Session of the Fourth Parliament of the United Kingdom of Great-Britain and Ireland, and of the Kingdom of Great Britain the Twenty-first, appointed to meet at Westminster, the Nineteenth Day of January, 1809, in the Forty-ninth Year of the Reign of His Majesty King GEORGE the Third. [*Sess.* 1809.

HOUSE OF LORDS.

Thursday, January 19, 1809.

[THE LORDS COMMISSIONERS' SPEECH.] The Third Session of the Fourth Parliament of the United Kingdom was this day opened by commission: the Commissioners were the archbishop of Canterbury, the Lord Chancellor, earl Camden, and the duke of Montrose. At half past three o'clock the lords commissioners took their seats upon the woolsack; and the Commons, pursuant to message, having attended, with their Speaker, at the bar; the Lord Chancellor informed them, that his Majesty had been pleased to direct his commission to certain lords, therein named, to open the session; which commission they should hear read, and afterwards his Majesty's most gracious Speech. The commission was then read by the Clerk at the table; after which, the Lord Chancellor read the Speech, as it here follows:

"My Lords and Gentlemen; We have it in command from his Majesty to state to you, that his Majesty has called you together, in perfect confidence that you are prepared cordially to support his Majesty in the prosecution of a war which there is no hope of terminating safely and honourably, except through vigorous and persevering exertion.—We are to acquaint you, that his Majesty has directed to be laid before you copies of the proposals for opening a negociation, which were transmitted to his Majesty from Erfurth, and of the Correspondence which thereupon took place with the governments of Russia and of France; together with the Declaration issued by his Majesty's command on the termination of that correspondence.—His Majesty is persuaded, that you will participate in the feelings which were expressed by his Majesty, when it was required that his Majesty should consent to commence the negociation by abandoning the cause of Spain, which he had so recently and solemnly espoused.—We are commanded to inform you, that his Majesty continues to receive from the Spanish government the strongest assurances of their determined perseverance in the cause of the legitimate monarchy, and of the national independence of Spain; and to assure you, that so long as the people of Spain shall remain true to themselves, his Majesty will continue to them his most strenuous assistance and support.—His Majesty has renewed to the Spanish nation, in the moment of its difficulties and reverses, the engagements which he voluntarily contracted at the outset of its struggle against the usurpation and tyranny of France; and we are commanded to acquaint you, that these engagements have been reduced into the form of a Treaty of Alliance; which Treaty, so soon as the ratification shall have been exchanged, his Majesty will cause to be laid before you.—His Majesty commands us to state to you, that while his Majesty contemplated with the liveliest satisfaction, the achievements of his forces in the commencement of the campaign in Portugal, and the deliverance of the kingdom of his ally from the presence and opposition of the French army, his Majesty most deeply regretted the termination of that campaign by an Armistice and Convention, of some of the articles of which his Majesty has felt himself obliged formally to declare his disapprobation.—We are to express to you his Majesty's reliance on your disposition to enable his Majesty to continue the aid afforded by his Majesty to the king of Sweden. That monarch derives a peculiar claim to his Majesty's support in the present exigency of his affairs, from having concurred with his Majesty in the propriety of rejecting any proposal for negociation to which the government of Spain was not to be admitted as a party.

"Gentlemen of the House of Commons; We are commanded by his Majesty to inform you, that he has directed the estimates of the current year to be laid before you. His Majesty relies upon your zeal and affection to make such further provision of supply as the vigorous prosecution of the war may render necessary; and he trusts that you may be enabled to find the means of providing such supply without any great or immediate increase of the existing burthens upon his people.—His Majesty feels assured, that it will be highly satisfactory for you to learn, that notwithstanding the measures resorted to by the enemy for the purpose of destroying the commerce and resources of his kingdom, the public revenue has continued in a course of progressive improvement.

"My Lords and Gentlemen; We are directed to inform you, that the measure adopted by parliament in the last session for establishing a Local Militia, has been already attended with the happiest success, and promises to be extensively and permanently beneficial to the country.—We have received his Majesty's commands most especially to recommend to you, that, duly weighing the immense interests which are at stake in the war now carrying on, you should proceed with as little delay as possible, to consider of the most effectual measures for the augmentation of the regular army, in order that his Majesty may be the better enabled, without impairing the means of defence at home, to avail himself of the military power of his dominions in the great contest in which he is engaged; and to conduct that contest, under the blessing of divine Providence, to a conclusion compatible with the honour of his Majesty's crown, and with the interests of his allies, of Europe, and of the world."

The Commons having retired, the lords commissioners withdrew to unrobe. The earl of Liverpool (late lord Hawkesbury) took the oaths and his seat. An adjournment for a short time took place. At five o'clock the house resumed, when the Speech was again read; after which,

The Earl of *Bridgewater* rose for the purpose of moving an Address to his Majesty thereon. His lordship began by observing, that he was persuaded he should meet the unanimous concurrence of that house in supporting his Majesty in the effectual prosecution of a war which the country is engaged in, for the purpose of securing and establishing upon solid foundations the blessings of peace. He was equally convinced that with respect to the proposals for opening a negociation with the enemy, the conduct adopted upon that occasion would meet with the approval of the House, and that in his exertions on behalf of Spain and of liberty, the sacrifices the country had made, and would make, would continue to be sanctioned by their warmest approbation. He entertained no doubt that whatever might be thought of the result of the war in Portugal, yet that the valour of our armies there must merit the most profound applause, and that the aid to be afforded to the king of Sweden, would be acknowledged the well-earned meed of that gallant monarch's fidelity and zeal in the glorious and honourable cause wherein he had embarked. And he no less anticipated the grateful sensation they must feel, that, notwithstanding the efforts of the enemy to injure our commerce, yet, that when their lordships took into consideration the fact, that, in spite of those efforts, our commerce had increased, and our revenues increased in proportion. Influenced by these sentiments he would not trespass longer upon the time of the house than just to move the following Address to his Majesty.—Here his lordship read the Address, which, as usual, was an echo of the Speech, and nearly the same as that which is inserted in this day's proceedings of the House of Commons.

Lord *Sheffield* rose to second the Address, and said; My lord; we cannot express too strongly our gratitude to his Majesty, not only for the transcendent situation in which we now stand as a nation, but for the whole of his able and judicious government, during so long a reign and under circumstances of unexampled difficulty.—His Majesty graciously acquaints us, that he has renewed his engagements with Spain, and observes that, there is no hope of safety but through a vigorous and persevering prosecution of the war, of which, I flatter myself, the great mass of this country is perfectly convinced, and it must be highly consoling to all Europe, to learn that his majesty is resolved most strenuously to support the cause of Spain. It is our own cause;—it is the cause of Europe and of the world; and we cannot but concur in applauding the determination of the Spaniards to persevere, to the last extremity, in the glorious contest for their liberty;—a resolution worthy of that noble nation. We cannot but admire their spirit, when we reflect on the completely disorganized state, into which they were thrown by the treachery of an implacable usurper.—If they should not, in every instance, act according to our notion of what is expedient, or even if prejudice should prevent them from receiving assistance in the way we think adviseable;—if their communications, among themselves and with us, should not be so prompt and perfect as might be expected from a country, whose government, and every thing derived from it, had not been recently dissolved and overthrown;—if we should observe among them, a degree of party spirit, or struggles for power, we should consider it as the lot of human nature; and when we look among ourselves, (and it is highly to be lamented, especially at this crisis), we discover the same. In short, if all these circumstances should exist, we ought still to respect and admire their general conduct, and not despond, even though great reverses should take place.—The military spirit of the Spaniards is wonderful, if we consider the numerous veteran armies to which they are opposed, and as to our own troops, we have reason to expect from them, every thing that can be done by men. They have the highest confidence in their general, whether he advances or retreats, and we should be satisfied that whatever may happen, a British army, so commanded, will not disgrace the character of our country.—I believe there are few among us who are not convinced, that general ruin must ensue if the war is not carried on with the utmost vigour, and that Spain is the country where the great effort should be made: and how great should be our exultation when we hear that, during such a war, our trade, on the whole, is not diminished. The export of certain manufactures decreased for a time, but not very considerably, or by no means as much as was supposed. Buonaparté threatened to subdue us by ruining our commerce, or by the expence of the war. We may thank him for having made the experiment; we are now relieved from all apprehensions on those points, for it is proved, that neither Decrees nor Embargoes can materially affect our trade, and that the flourishing state of our finances enables us to carry on this expensive war, without any considerable loan or new taxes. As to the Embargo laid by the American States, I am confirmed in the opinion I always entertained, that it will prove much more beneficial to the empire than injurious: and we are indebted to the firmness of the present administration for a very great improvement in our situation, in respect to that country, and for the expectation that no machinations or menacing measures shall make us abandon those principles and that system, on which its greatness and power have been established.—It is by contemplating these circumstances that we discover the real greatness and power of this country, and which, I conceive, never can be destroyed but through our own misconduct. Look round the British Empire; look to the East and to the West; and we shall find it, notwithstanding this rancorous war, in as good a state, in all parts, as at any period;—but these matters will be much more ably stated to the house by those capable of rendering them interesting to your lordships.

Earl St. *Vincent* said, that the Address just read was such, that no man who had a veneration for his sovereign, or a love for his country, could ever assent to. Some parts of it, which went to express a determined hostility to the common enemy, and which went to declare the firm determination to carry on the war against him, all must approve. But when he adverted to the manner in which that opposition to him had been conducted on the peninsula of Europe, it was wholly impossible not to express both sorrow and indignation. He would assert it in the face of the country, and in the face of the world, that it was the greatest disgrace that had befallen Great Britain since the days of the Revolution; and this he openly declared, whether he took into consideration the manner in which the war was carried on in Portugal, or the way in which our troops had been sent there. Transports were hired, and great merit was to be attributed to the ingenuity of ministers in providing these transports; but the public ought to be undeceived upon that head; there was not a tittle of merit in the case; it was only going to market, and offering a little more than the market price, and transports were to be obtained in abundance. He wished, however, to notice the important services to which these transports were eventually applied: "why truly," said his lordship, "they were at last employed to convey the rascally ruffians whom Junot commanded to that part of France which was nearest the boundaries of Spain, that they might, as speedily as possible, be again brought into action with more effect against our own soldiers. So that those devils," added his lordship, "are at this moment harassing the rear of our retreating army." The impolicy of sending British troops to Portugal he always disapproved; but the result of the war there he was disgusted with: and then the delay that prevailed before we sent a man from thence towards Spain was disgraceful. In fact it would seem as if ministers had not even a geographic knowledge of the country through which they were to pass, insomuch that they ought to go again to school, to make themselves masters of it. But their ignorance of that species of knowledge, one would suppose was official; for a "Heaven-born Minister," just after he first came into power, asked whether Port Mahon was in Europe or not? and the persons at present in power manifested just the same local ignorance, when they sent an army to traverse a wild and inhospitable country, at the very commencement of the rainy season, to drink new wines, and to be overwhelmed with disease as well as fatigue. So little confidence did he place in these men, that he was decidedly of opinion, that unless they were removed, the country would be lost. The Convention of Cintra could not be considered, without feeling sentiments of alarm as well as indignation, rising in the mind; the more especially when he observed the cold-blooded treaty, that gave up a contest with the ships of an enemy, upon a compromise so unworthy the nation's character. There was a time when such old-fashioned words as "sink, burn, and destroy," were understood and exercised: but now we are to negociate to be ships' husbands, and we take possession by bargain and barter, instead of by battles, by bravery, and by balls; we are to hold ships in trust by contract, and not in right by conquest. We had Princes of the Blood, all of whom are bred to arms; why, he asked, were not some of these illustrious personages employed to lead our armies; they had made the science of war their study from their childhood? If they were not to be employed, he was at a loss to ascertain for what purpose they were bred to arms. There was a distinguished person near him (earl Moira) who had the confidence of the people, who had the love of the soldiery, and who possessed the esteem of his majesty: why was not such a person as that nobleman employed? The reason was evident—it was because management prevented it. But was it to be supposed that because a Court of Enquiry had deemed no further investigation necessary, that therefore there ought to be no investigation? Whenever he looked at the terms of the Convention; whenever he reflected on the decision of that court, he could not avoid exclaiming, that the decision so announced was a blot upon the country. Whenever he heard of Councils of War being called, he always considered them as cloaks for cowardice; so said the brave Boscawen, and from him he imbibed the sentiment which time and experience had completely confirmed. At Vimiera we gained a victory, and in the moment that our soldiers were flushed with conquest, recourse was had to a council of war: that, he presumed, could only have been necessary, or indeed apologized for, in the moment of defeat. Upon what principle, therefore, such an expedient was resorted to, he, for one, accustomed to other methods, could not account; they only who acted in it can explain it. Just the same opinion he entertained of the Court of Enquiry; it was a shield to ward off investigation from ministers themselves; but he trusted that their lordships would not be prevented from making a scrupulous investigation of it in their own way. He knew the character of the Portuguese exceedingly well; they, excepting the city of Lisbon, were as brave people as any upon the continent of Europe, and, officered with British soldiers, would have presented an undaunted front to Frenchmen. Why was not that expedient made use of? Ministers ought to have known their value, and if they did not, their ignorance was inexcusable. If that house did its duty, they would immediately proceed to the foot of the throne, and there tell the sovereign the bold truth, that if he did not remove them he would lose the country. These were the sentiments of his heart; he spoke them as a solemn duty, which he found himself bound to express. It was probably the last time he should trouble their lordships, and with that, said the noble admiral, I wish your lordships a good night. (At these words the noble earl instantly walked out of the house.)

Earl *Grosvenor* complained, that in consequence of the mode which his Majesty's ministers had of late years adopted respecting the Speech from the throne, noble lords were often betrayed into an involuntary approbation of the Address. Formerly, it was the custom to read the Speech previously to its being read from the throne, by which the members of both houses were put in possession of the substance of it at least. That excellent custom had been discontinued; and any noble lord who might disapprove of the Speech, was thereby precluded from offering an Amendment to the Address. He would, however, admit on this occasion, that there was not much in the Address to produce a difference of opinion. He cordially approved of that part of the Speech which expressed a determination to give all possible assistance to the Spaniards, so long as they should be true to themselves. He did not despair of the Spanish cause, provided the vast means of this country were employed in the manner best calculated to distress and embarrass the enemy. He also concurred in that part of the Speech which expressed disapprobation of the Convention of Cintra; but he would have been better pleased if that disapprobation had been followed by an avowal that ulterior measures were intended. Ministers having professed their determination to persevere in the cause of Spain, he trusted that their exertions would henceforth be made in a manner different from what they had been. His lordship severely censured that military arrangement by which a British army was sent into the heart of Spain, when it should have been sent to the foot of the Pyrenees. It should have been sent to a situation where it could not be exposed to the possibility of being obliged to retreat.—The noble earl expressed considerable regret that the disposition of America should not be favourable towards this country, but was rather inclined towards the Ruler of France. It must be admitted by all, that the Orders in Council did not originate in the smallest degree of hostility on the part of Great Britain against America, but were only framed for the sole purpose of counteracting the obnoxious Decrees of Buonaparté; and these Orders in Council, it was well known to the Americans, were designed to cease, the very moment the enemy reversed his unjust decrees.—There was another subject to which he would desire the attention of the House; namely, the necessity of looking into our internal regulations, for the sake of immediately reforming the abuses which may have crept into the different departments of the government. In these times, when the people were called upon to make such weighty sacrifices, he did think that all useless Places and Pensions should be speedily abolished. When he intimated the existence of such abuses, he had no intention to say that this or any other administration were to be condemned, for he considered they were what might be properly termed, the rust of time, but ought quickly to be done away, lest they should corrode the welfare of the state. Buonaparté, from wicked and malevolent motives, had attended to the removal of every abuse which could possibly retard the success of his schemes; and although he did so from evil, it might well become this country to imitate his example, and do so from the best of motives.

Viscount *Sidmouth* observed, that there was one point upon which there could not, he was persuaded, be any difference of opinion among their lordships, namely, the propriety of assuring his majesty of the gratitude with which they received his Speech. In expressing that assurance, a language was employed, which to him appeared to commit the house to certain points upon which they were not adequately informed. For himself, he would approve of continuing to support Spain so long as any hope remained; but he was not prepared to thank his majesty for a Treaty, of the conditions and engagements of which he was wholly ignorant. It was not impossible, when the Treaty came to be discussed, that he might approve it; but until the documents were before him, he must suspend his opinion, and, above all things, decline to pledge himself to an unreserved approbation of the measure. Before he could come to a proper decision on this subject, he must also obtain some information respecting the state of Spain. At no period within his memory was there so much spirit, so much loyalty and zeal in the country, and yet, at the same time, so much dissatisfaction. It was a dissatisfaction not arising from a turbulent disposition in the people of this country, or from any marked reverses, or from the pressure of the public burthens, but a dissatisfaction produced by a feeling most honourable to the nation. The dissatisfaction was proportioned to the zeal and expectation of the country. It was not content either with the extent of the exertions that had been made to aid the Spaniards, or with the manner in which they were employed. Some statement, he trusted, would be made to allay this very laudable feeling of the public mind. His lordship here declared that he rose chiefly for the purpose of qualifying the assent he should give to the greatest part of the Address. With the reservation he had made, and that the means which would be liberally given would not be misemployed; that the sacrifices of blood and treasure that the people of this country were disposed, beyond all example, to make, would be spent for the glory of the nation, and the honour of his Majesty's crown, he would give his assent to the Address. He wished, however, not to be considered as committing himself to its full extent, but merely as concurring in that part which recommends a vigorous prosecution of the war, and expresses a determination to assist Spain, so long as Spain shall prove true to herself. He also concurred in the expediency of increasing our military means in proportion to those of the enemy with whom we have to contend.

Lord *Grenville* rose and spoke nearly as follows: It could not but be imagined, my lords, that there were parts of the Address in which it was impossible for me to concur, but I most willingly gave way to other lords who wished to deliver their sentiments. It was the constant practice, until the present administration came into office, to refrain both in the Speech and the Address from calling upon parliament, to deliver any decided opinion approving of past measures, the documents relating to which were not in the possession of the House, or expressing a determination to support any future system, the details of which had not been communicated. We are now, on the contrary, called upon to express our decided approbation, not only of past measures, but of a future system of which no explanation is given. Surely, it must be deemed incumbent upon ministers to make some statement to your lordships, to give some explanation of the events which have passed, and of the system which it is determined to pursue. As it is, I must enter my decided protest against certain parts of the Address which your lordships are now called upon to vote, and which go to pledge this House, in approbation of a system, of which I, for one, cannot approve.—My lords, with respect to Spain, it would be an idle waste of your lordships' time and patience for me to declare my opinion as to the nature of the contest in that country. Of the base and treacherous, the atrocious and cruel invasion of the independence of the Spanish people, there is but one opinion in the country, but one opinion as to the cause in which they were fighting, against the tyrant who unjustly and cruelly attacked them. I have not, however, my lords, ever wished to conceal my opinion, with respect to the policy of sending a British army to Spain. I do not mean to say, that there might not be circumstances under which it might be advisable and expedient to send British troops into Spain; but I mean to assert that, during last summer, there was no prospect that ought to have induced any reasonable men to send a British army into the interior of Spain. I am anxious not to be misunderstood upon this point. I do not mean to apply my observation to naval co-operation, to the mode of sending fleets with troops on board to annoy particular parts of the coast, to keep the enemy in a constant state of alarm, and obtain partial advantages which may be of essential service. I confine myself to the policy of sending a British army into the interior of Spain, and I contend, that there was not that prospect which ought to have induced reasonable men to have so sent an army. Nor were there any circumstances which could justify the sending a British army, large, it is true, as a British army, but small, as an army acting on the continent, to meet the whole disposable force of France, without having any of the great powers of Europe as our auxiliaries. With the Pyrenees unlocked, and the road between Paris and Madrid as open as that between Paris and Antwerp, there was nothing which could justify our sending into the interior of Spain thirty or forty thousand British men to meet an army of 500,000. I can only compare such a measure to the far-famed march to Paris, to which it is fully equal in wildness and absurdity. It is perfectly clear that it must rest with the Spanish people themselves to maintain their independence, and that without that spirit amongst themselves no army that we could send would be of any avail. They adopted a system, which was published in the early part of the summer, under the title of "Precautions," and which contained a most excellent plan of defence adapted to the peculiarities of the country, and calculated to harrass and annoy an invading army, and to wear them down by a continued system of partial attack, without incurring the risk which must necessarily attend a pitched battle with regular and veteran troops. This system was the best which could be adopted by that country, under its then circumstances, and might have produced a great effect upon the enemy, whose troops would have been continually harassed and fatigued, whilst the Spaniards, taking advantage of the peculiarities of their country, would have incurred little immedate risk, and would have gained a knowledge and attained a discipline which might have subsequently qualified them to contend in the field with the regular troops of France. This excellent system we forced them to abandon, by sending into the interior of the country a British army: it then became impossible for the Spaniards to leave our army to fight their battles by itself; our army would, of course, proceed in the manner and according to the usual routine of a regular army; and thus the Spaniards were forced on to engage in pitched battles, at a period when they were not competént, with regular troops, whilst the British army, too small to cope with the great superiority of troops brought into the field by France, can only retreat. In this way, my lords, I contend that the sending a British army into the interior of Spain has been actually injurious to the cause of the Patriots in that country.—I waited anxiously towards the close of last session for some communication on the subject of Spain, which I did expect Ministers would have made for the purpose of obtaining the decision of Parliament. Had such a communication been made, I should certainly have delivered my opinion as to the impolicy of sending British troops into the interior of Spain. Ministers, however, chose to act without asking the advice of Parliament, and in what way have they contributed to the assistance of the 'Universal Spanish Nation,' as it has been called? In what manner have they afforded the aid of which they now so much boast? Setting aside for a moment the consideration of the general question of the policy or impolicy of sending British troops into the interior of Spain, it may be said, that there was a time when a British force of 30 or 40,000 men might have contributed to obtain a great temporary advantage, which, whatever effect it might have had upon the ultimate fate of the war, would at least have enabled the Spaniards to arrange their defence, and to mature their preparations. It may be said, that there was a period of the contest when the French having been driven from Madrid, and forced to take refuge in the neighbourhood of the Pyrenees, a British force, sent there at that particular crisis, might have driven the French beyond the Pyrenees, and placed in the hands of the Spaniards the keys of their country, which they might then have been enabled to defend under infinitely more advantageous circumstances than they had since been placed in. It might be said, that this case did, from peculiar circumstances, actually occur. Allowing it to be so, how was it taken advantage of? One might have supposed, that, to make the proper use of such an advantageous conjuncture of affairs, our troops would have been sent to the port nearest the scene of action, and from whence they might be marched, in the shortest time, to the spot where their services were most wanted. But, instead of the nearest port, the farthest seemed to have been chosen, and the troops were sent to Lisbon. They are there employed in compelling the French to evacuate Portugal, who could not have held it if Buonaparté could not conquer Spain, and who must get possession of it if he does; and afterwards remain there for two months before they march to join the Spaniards. The moment was urgent, the occasion was pressing, every thing depended upon promptitude of action, and taking advantage of a small portion of time; and yet two months pass away before the army is even put in march to join the Spanish troops; and the general who commanded in chief, in giving an account of his conduct, says, that no arrangement was determined upon for putting the army in march. The transports which ought to have conveyed our troops are used to convey the troops of the enemy; and our army, compelled to make a long march over land, are too late for any effective purpose, and the enemy triumphs in the capital of Spain before even a British musket is fired. The Spanish people may truly reproach us, "You promised us protection and assistance; you induced us to engage in the dangerous warfare of pitched battles, quitting our more desultory mode of warfare, but more secure to ourselves and more harrassing to the enemy; and now the oppressor lords it in our capital, plunders our property, and puts to death our nobles, whilst not a single British musket has yet been fired." Shame that such a reproach should truly attach to us! Most unfortunate is it that our army should be placed in such a situation which must necessarily give rise to apprehension. The dilemma stated by my noble friend (lord Sidmouth), most aptly applies to ministers upon this subject: either they did or they did not know that a British army, sent into the interior of Spain, would have to encounter the whole disposable force of France. If they did know it, by what infatuation could they have been induced to place an army in a situation in which no rational men would ever have thought of placing it; if they did not know it, then they must confess that they were wholly ignorant of the resources of France—that they were wholly ignorant that the ruler of France had the resources of the greater part of Europe at his command—that they were wholly ignorant that France had a large army which could be brought to bear upon any given point. With this view of the subject, it is, of course, impossible that I can concur in applauding the past measures adopted by ministers with respect to Spain; nor can I concur in supporting the system proposed to be adopted for increasing the army, with the view of sending more troops to Spain, for this must be the object, or the expression means nothing; although I do not mean to deny, that with the evils with which we are now surrounded, the increase of our regular force is a necessary measure. To the approbation, however, which is implied of their conduct, and their wise and vigorous system, I must decidedly dissent, contending, as I do, that there has been neither wisdom nor vigour in their measures. When praising themselves for wisdom and vigour, I wonder they did not add success, as that term would have been equally applicable with the two former.—There is one point, my lords, in the Speech and the Address, to which I feel it indispensably necessary to advert, I mean the Convention of Cintra, and the Armistice which preceded it. An Armistice of which the House knows nothing; a Convention of which the House knows nothing. I was wondering what answer would be returned to that part of the Speech, and it was with no small surprize I heard it moved, as part of the Address, an expression of our regret, that such an Armistice and Convention should have been entered into. What! my lords, pronounce judgment before investigation; condemn a transaction before we are made acquainted with the details of it? I have now heard, for the first time, that his majesty has found it necessary to express his disapprobation of some of the articles of that Armistice and Convention, and from that circumstance it will of course form a future subject of discussion in this house, but at present they are not regularly before us. It is true, that the public have had those transactions before them, and have pronounced their condemnation; the people of England have complained of those transactions at the foot of the throne, and I cannot applaud the tone of the Answer, which was returned to the Address of the City of London. It being, however, contrary to the principles of British justice to pronounce judgment without investigation, what must we expect, after unequivocally condemning the Armistice and Convention, of which we know nothing, neither the documents, nor any details respecting the transaction being before us? what must we expect upon going to the foot of the throne with an Address, containing such an unequivocal condemnation without examination, or the means of examination? we must expect to be told, "You, the parliament, have forgotten the first principles of British justice in pronouncing judgment without investigation, in condemning a transaction with the details of which you are unacquainted." The Armistice and Convention have, it is known, been referred to a Board of Military Officers, who have reported that no blame attaches to any of the generals employed on that occasion. That Board of Inquiry have abstained, and very properly abstained, from giving any opinion respecting the conduct of ministers; but from the displeasure expressed by his Majesty, it is evident that they alone were to blame—the Board having declared their opinion that no blame attaches to the generals, and his Majesty having subsequently expressed his displeasure at the Armistice and Convention, that displeasure must apply of course to the conduct of ministers. The generals may alledge the want of cavalry; they may alledge the want of artillery—all which must arise from the neglect of ministers. This must of course form a part of the Inquiry when the subject comes regularly before the house.—There is another point also of considerable importance, upon which the Board of Inquiry have very properly abstained from giving an opinion, I mean the naval part of the transaction; I do not mean to convey any censure upon the admiral who agreed to the Convention, or to insinuate that he stands in any other situation than that of the generals, to whom it is decided that no blame attaches; but when, instead of that phraseology to which we have been accustomed in the transactions of our navy, that of sunk, burnt, and destroyed, when, instead of taking prisoners of war, a Convention is entered into, by which the fleet of an enemy comes into our ports with a stipulation, that it shall be delivered up at the conclusion of peace, it becomes a subject which demands inquiry and investigation. That investigation will, I trust, take place, and then our decision will follow regularly and formally; but to applaud or to condemn, without investigation, conveys neither approbation nor censure.—There is one most important topic which I think it my duty to press upon the attention of your lordships, though no notice is taken of it either in the Speech or the Address; I mean the present state of our relations with the United States of America. The noble lord who moved the Address has indeed stated, that the embargo was advantageous to this country. Without entering at length into the discussion of the question, there is one thing of which I entertain no doubt, that it is to the measures of the British government that we owe the embargo, and that it was laid on in America in contemplation of our Orders in Council. If there ever could be any doubt upon this subject, that doubt was completely removed in the month of July last, when it was proposed by the government of the United States, that the embargo, in as far as it regards us, should be taken off, provided our Orders in Council were rescinded. From that time, therefore, a new era commenced, at which the embargo began (if it was not so before) to be the effect of our own choice; and so far from its being a measure advantageous to this country, I am prepared to shew when the proper time for the discussion arrives, that instead of being advantageous, it is extremely injurious to our interests, and will prove still more detrimental than past experience has shewn it to be, if it is continued. But even the interruption which it has occasioned to the commercial intercourse between the two countries, though a great and serious evil, is not the only nor the worst mischief with which it is pregnant. The wish to maintain mutual relations of peace and amity, is, I believe, the prevalent sentiment among the people, both of this country and America; but I am afraid that the government of neither of the two countries corresponds with the popular sentiment. I am ready to acknowledge, that the government of the United States has, in more instances than one, manifested a considerable partiality to the side of France. But I cannot, on the other hand, acquit the British government of a want of fairness in its proceedings towards America. The people of this country, I am firmly persuaded, desire nothing more than to live at peace with America; but I am as firmly persuaded, that the intention of the king's government is to drive things to extremity with America. I know that there are some persons amongst us who are mad enough to believe, that a rupture between the two countries is an event rather to be desired than deprecated. They think, that were such a case to happen, we should sweep every ship from the seas, and monopolize the commerce of the world. Wild imagination! Who does not know that commerce is most desirable when the advantages of it are mutual, and that it can only thrive by reciprocity? But, supposing that it was desirable that we should engross the whole commerce of the world, are we likely to attain our object by compelling other nations to renounce the use of our manufactures, and to refuse to supply us with their commodities? I say I believe it to be the intention of government to force matters to a rupture with America; for, if this were not their intention, would they have neglected, as they have done, the opportunity which occurred in the course of the season of effecting a compleat and cordial reconciliation? But, instead of embracing this opportunity with eagerness, in the insulting and sophistical answer written by his Majesty's foreign secretary of state, a principle is laid down still more objectionable than any which they had formerly professed, and which is no other than this—that whatever acts of injustice may be committed by the enemy, gives us a right to commit acts of injustice equal in degree and extent, under the pretence of retaliation—a principle in itself so horrible and absurd, that there is nothing so criminal or extravagant that it would not sanction. In all their former definitions of retaliation the acquiescence of the neutral was supposed as indispensible to authorize the exercise of it: but in this letter the doctrine is broadly laid down, that whatever the enemy does you have a right to do also. Upon this principle you might send an army to dethrone the king of Sweden, and to place one of the princes of the blood royal of England upon his throne, because Bonaparte has dethroned the king of Spain, and given the crown to his brother. In short, were this principle once generally admitted, there could be nothing sacred among men. The proposition of America, it ought also to be recollected, went farther than to hold out a prospect merely of repealing the embargo. It went so far as to say, that if you would rescind your Orders in Council, not only should the embargo be taken off, but the American government would, in the case of France refusing to follow your example, have made common cause with you against the common enemy. And you have rejected all the advantages of commerce, peace and alliance, rather than retract an act of injustice of which you have been guilty! This is a subject which merits the serious consideration of the House, and though it is not mentioned in the Speech, it is of such importance, that an ample and full discussion of it in the course of the session you will find unavoidable; but as it is not my intention to move any amendment to the Address, I shall not at present press it farther upon the attention of your lordships.—There is really, my lords, very little of the Address in which I can concur. And I cannot omit the present opportunity of entering my protest, in particular, against that part of it which thanks his Majesty for renewing his engagements with the Spanish government, for to this hour I did not know that any engagements did exist. I was willing to give ministers credit for at least avoiding, in the present precarious situation of Spain, to tie themselves down by any stipulations, by which our policy might in future be embarrassed. It is therefore with the most poignant grief that I find, not only that such engagements have been entered into, but that they are to be ratified by a solemn treaty. Upon the negociation it would be premature to deliver any opinion, till the papers containing the correspondence are before the House. I must, however, be permitted even now to observe, that his Majesty's Declaration is at variance with the Speech, respecting the ground upon which the correspondence was broken off. In the Declaration the rupture was ascribed to the refusal of Buonaparte to abandon his views upon Spain, and in the Speech it is attributed to the resolution of the British government not to abandon its ally. All I shall now say is, that the demand was unreasonable for either party to make. But let me not be misunderstood. I do not mean to say, nor do I think, that peace was at all attainable; and from the time that the first propositions arrived from Erfurth, I was uniformly of this opinion. If the *Uti possidetis* was proposed as a basis of negociation, such a basis was, under all the circumstances, most absurd; for at that very time, it implied, that we should retain possession of Portugal, of which we were then in possession, and that Buonaparté should keep those provinces which were occupied by his army. Peace, therefore, was impracticable, except, which was not to be expected, that he should renounce what he had conquered, or that we should leave the Spaniards to their fate, and thereby become parties to a measure of most wanton violence and horrible oppression. The only question to be considered was, whether the negociation was conducted by the British government in such a way as to leave matters on the best possible footing.—In that part of the Address which relates to the character and conduct of our army, I most sincerely and heartily concur. No language can be too strong, or too glowing, when applied to its deserts; and, if the country is to be saved at all, I am convinced that its salvation can alone be effected by maintaining our military force upon a scale commensurate with the increasing dangers of our situation. Measures of vigour also will be necessary; but these measures ought to be adopted under the guidance of wisdom and prudence, and care taken not to waste our resources in Quixotic schemes which it is impossible to accomplish, and where failure is pregnant with calamity. Our army, brave and well disciplined, and capable as it is of doing every thing which men can be expected to perform, will, in these times, find ample employment in securing our own defence. Impressed with this opinion, it is with the deepest pain that I reflect upon the actual situation of so large a proportion of the military force of the country wantonly committed in a hopeless contest, in which success cannot be the reward of valour, however eminent, and where a safe retreat is all that the most brilliant exertions can reasonably be expected to effect.—I have thus felt it my duty to state my sentiments upon those topics which will afterwards form the subject of full and distinct discussion. It will be matter of future inquiry, how it comes that all the assistance which you have given to the Spaniards is to turn your back upon them; what were the causes which led to the Armistice and Convention, of some articles of which his Majesty has declared his disapprobation; whether a war with America be or be not avoidable; and, above all, whether the plan of continuing to send troops into the heart of Spain is to be persevered in? The last-mentioned subject I conceive to be of so great magnitude, that all other questions are, in comparison with it, of very subordinate importance. I have no hesitation whatever in declaring it to be my most decided opinion, that if the system hitherto acted upon, be farther pursued, and the whole armed force of the country sent into the interior of Spain, the destruction of this Monarchy is inevitable; and that we shall soon be reduced to the same condition with Prussia and the conquered States of the Continent. It is admitted upon all hands, that our navy alone is not adequate to our national defence; and if we lose our army, the strong arm of our protection, we may, indeed, replace it with numbers, but not with soldiers. I trust, therefore, that the future conduct of the war, in as far as it involves this most important question, will take precedence of all other subjects of discussion.

The Earl of *Liverpool* (late lord Hawkesbury) confessed, that upon the various important topics comprized in his majesty's Speech, he was prepared to expect both that the noble lord who had just sat down, as well as other noble lords, would deliver their sentiments; at the same time he thought the Address was so cautiously worded, that he did conceive it would have met with the unanimous approbation of their lordships. The Address was so framed, that it could not have the effect of committing any one in the way of approbation of those measures, which ministers had felt it to be their duty to adopt during the recess. In the first place, with regard to the affairs of Spain, the Address only went to give his Majesty a general assurance of support, in maintaining the cause of that nation as long as they proved true to themselves. In what way this support had been given, or how it was to be in future administered, would be a subject of distinct and detailed consideration; nor would the House, by now agreeing to the Address, pledge themselves to approve of those particular engagements which had been contracted. All that they were now called upon to do was, to record a public avowal of their determination not to desert that cause which the government and the country had espoused, and that they will not be so far dismayed by those reverses which had been experienced, and which were from the beginning to be expected, as to renounce that system of support to which both his Majesty and the nation were most solemnly pledged, and in which it was, in consequence of these reverses, even become a more sacred duty to persevere. Those who inferred that the cause was desperate, from those disasters which had already happened, reasoned upon a most contracted and imperfect view of the relative situation of the parties engaged in the contest; and he intreated those who were inclined to despond, before they gave way to their fears, to consult the records of history, and to review those instances of nations who had been compelled to struggle for their independence in circumstances similar to those in which the Spaniards were now placed. There it would be found, that nations, after maintaining struggles for ten or twenty years, in the course of which they had been almost uniformly worsted in battle, had eventually succeeded, in spite of the triumphs of their adversaries, in securing the object for which they contended. It was difficult to conceive any situation which would better warrant hopes of ultimate success, than that of Spain at this day. The people were unanimous in their resistance to the invader; and it was the only instance since the French revolution, in which a whole people had taken up arms in their own defence. The territory of Spain was as large as that of France within its ancient limits, and the country possessed many local advantages which were extremely favourable to its defence; advantages the value of which the Spanish history in former times ought to teach us duly to appreciate. The noble lord might, indeed, say, that if their advantages, both physical and moral, were so great, the Spaniards ought to be left to themselves. Ought we, then, to risk nothing where so much was at stake? The success of the enemy had, in many cases, been nearly in proportion to his risk; and because he had gained a great deal by risking much, where we have much to gain, ought we to risk nothing? The cause in itself was most interesting to the best feelings of the human mind—it offered the last chance of salvation to the continent of Europe; and, taken in a more contracted and selfish point of view, our own immediate security was in some measure involved in its fate. He asked, then, if nothing was to be risked in support of a generous ally; if nothing was to be risked for the re-establishment of the general tranquillity; in fine, if nothing was to be risked for our own safety and independence?—With regard to the measures which had been already adopted by his Majesty's ministers, when the period came for discussing them, he was prepared to vindicate them both in whole and in part, but he could not even now suffer the noble lord's statements to go forth to the public without making some observations upon them. The noble lord seemed to be of opinion, that the military assistance which this government gave to the Spaniards ought to have been confined to sending detached expeditions to particular points of the coast; and to him (lord Liverpool) it appeared not a little extraordinary, that he should have objected to the policy of the expedition to Portugal, which was almost the only point of the coast which, at the time, was in possession of the enemy. It was the general sentiment of the people of this country, that the aid of government ought not to be limited to sending supplies of arms and money, but that succours in men should also be sent in support of a cause in which every individual felt the strongest interest. A large force had been prepared with unexampled expedition, and in its application ministers had taken the advice, not only of military men of high reputation at home, but had consulted the Spaniards themselves, who, both in the north and south, had recommended the reduction of general Junot's army as the most acceptable service which it was in our power to perform. The consideration due to an ancient and faithful ally, who was then groaning under a foreign yoke, he admitted to have had considerable influence with his Majesty's ministers in undertaking the deliverance of Portugal. He requested also the noble lord to bear in mind, that at the time when our expedition sailed, and which he seemed to think might have acted with greater advantage in the north of Spain, the passage from Paris to Madrid was just as open as it is now; and that the French army was in possession not only of the passes of the Pyrenees, but of a large district in the south of Spain.—The noble earl stated the advantage which had been derived from general Spencer's small force, in facilitating the reduction of the army of Dupont, and, in consequence of the evacuation of Portugal, the Spaniards had been delivered from a large force, which, by acting in their rear, might have embarrassed and impeded all their future operations. His lordship also defended the equipment of the expedition to Portugal, and asserted, that in every respect, and specifically in the proportion of cavalry and artillery with which it was accompanied, it was perfectly competent to execute the service on which it was sent. Neither, he contended, had there been one moment's unnecessary delay in the march of our army from Portugal. If it did not proceed immediately to Spain after the conclusion of the Convention, it was, because no central government had then been established, and it was impossible to arrange any plan of operations with the provincial Juntas.—With respect to the Cintra Convention, there were some articles in it of which his majesty disapproved; but these were not of a military nature, and he assured their lordships, that no information should be withheld by ministers, which might be deemed necessary to a full and fair discussion of this or any other measure.—As to the Answer returned to the Address of the City of London, he was at a loss to see any ground for the noble baron's observations. As far as it called for inquiry, no reflection or stricture was made upon it; but when it prejudged the conduct of the officers engaged in that transaction, and the character of the transaction itself, by branding both with the strongest disapprobation before any inquiry could be had upon them, such an attempt to prejudice the matter could not have been passed over unnoticed or uncensured.—Much stress had also been laid by the noble baron on the conduct of government towards America. He still imputed the measure of the Embargo to the Orders in Council issued by the British government; but if the noble baron would refer to the correspondence between Mr. Madison and Mr. Erskine on that occasion, he must be convinced, that at the time of laying on the embargo, the American government were acquainted only with the decrees of the French government, and that they adopted the measure of the embargo on the supposition that the French decrees would produce on our part some measure of retaliation, such as that of the Orders in Council. There was no disposition on the part of the British government to irritate America; on the contrary, every thing was done in the tone of conciliation, as far as the honour, the interests, and the rights of the country could allow: but, no consideration should prevail upon us to impair these things. On the vindication of them depended all our strength and national dignity and importance; and, surely, they were not to be sacrificed to America, at the very moment when America seemed so blind to her own interest, and had betrayed so decided a partiality in favour of France, to the prejudice and injury of Great Britain. When the time arrived for a minuter explanation of all these points, he should be happy to afford every information in his power more fully to explain them. The present he did not conceive to be the proper moment for entering into that explanation.

Lord *Sidmouth* shortly explained the motives which induced him to concur in the Address. He did not conceive it to pledge him to any of the particular measures to which it referred; and with that reservation it was that he gave it his present concurrence.

Earl *Moira* disapproved of many of the paragraphs in the Address; but would still refrain from moving any Amendment. He particularly insisted on that which referred to the Armistice and Convention concluded in Portugal, and took occasion to explain the opinion which he had delivered upon it as a member of the Court of Inquiry. He concurred, indeed, with his colleagues in saying, that no further military proceeding should be had in that matter; and he had emphatically made use of the word 'military,' on the occasion. As far as the officers, who took a part in the transaction, were engaged, he would repeat it, that they had behaved with unquestionable zeal and firmness. They might have perhaps imputed to them an error in judgment; but, circumstanced as they were, their error was not such as fell within any infraction of the articles of war; it was rather an error imputable to his majesty's ministers, and to the manner in which they had prepared and sent out the expedition.—The Address also alluded to further aid to be afforded to Sweden. Should it not be inquired how that aid was to be applied? Was the further assistance, to be hereafter granted to Sweden, to be applied in the manner in which we had hitherto afforded that support? What, in fact, had been done for Sweden, that in the least contributed to give her any material assistance? From her adherence to our alliance, she had already lost almost half of her territory, and was now exposed to the severest fate. We were as much bound therefore to attend to Sweden as to Spain. Looking to the unfortunate peninsula, where our principal exertions were said to have been directed, what was the situation there? Did the Address at all indicate the feelings of this house, or of any man in the kingdom on that weighty subject? The noble earl had said, that the Spaniards would not accept our proffered assistance. Was the fit application made to them? Where was the question asked? At the extremity of the kingdom farthest removed from the scene of danger. Supposing an enemy were to enter Scotland; would an ally, anxious for our protection, take an army to Penzance, and inquire of a council there, if he could give the inhabitants of that remote quarter protection? But, he was warranted from the evidence before the Court of Inquiry to say, the aid was applied for, not for Gallicia, but for the Pyrenean frontiers. What was the situation of the French at that time? Buonaparté, in the plenitude of self-confidence, had imprudently distributed his forces in small divisions all over the kingdom. The natives rising throughout the provinces, indignant at the perfidy of their enemy, were competent to the utter destruction of these scattered legions. What was then our duty? It was to interpose 50,000 men between Spain and France, which would be increased to 150,000 by the zeal of the natives. This immense army, organized and disciplined as it would have been, blended with British regulars, would take possession of the passes, and the consequence would have been, that not a Frenchman could have entered or quitted Spain, unless he had cut his way through this prodigious force. It was not enough to drive the French out of Spain, not a subject of Napoleon should have passed the frontiers, unless exchanged as a prisoner. Then would have been the moment to have called on Austria, and to have told her, that her existence depended upon immediate hostility against France—to have informed her, that the British forces, supported by their ally, were hovering, like a dark storm, on the summits of the mountains, and would pour onward in a torrent, to spread devastation in the plains beneath, the moment she should declare her purpose. All these golden opportunities had been lost by the gross mismanagement of his majesty's ministers. Nor could he concur in the Address in what respected the Convention of Cintra. The speech of the commissioners was designed to screen from accusation the real culprits. He had said, in common with his colleagues, that there was no ground for any further military inquiry; but this was not saying that there was no ground for inquiry at all. The conduct of the naval department had not, and indeed could not, come before them. The fitness of the political instructions on which the military or naval officers proceeded, was not at all examined. What were these instructions? They were, that the enemy should be driven out of Portugal. They were forced out of the country: and so far these instructions were complied with. Neither was there any want of zeal or courage in the manner in which this business was accomplished. If there were errors in judgment, those errors were in the ministers who removed an army of the enemy from a state of total inutility to a scene of action. Where they were they could have formed no junction with the French armies in Spain, and they must in the sequel have been reduced and subdued.—Nor could he concur in the propriety of the conduct of ministers in what related to the Address of the City of London. The citizens came forward to do what freemen ought at all times to perform. They petitioned his majesty on a subject of great national importance, and in doing so they had not committed what ministers had charged them with, criminated any man before his conduct had been examined at the proper tribunal.—So much he would say on the subject of the Address now moved, and on the conduct of ministers as connected with it. He would now inquire what was the duty of their lordships. Was it to sit silent at the present momentous crisis, when the eyes of the country and of Europe were directed to them? Now, more than ever, the salvation of the state depended upon the wisdom of their decisions. He ardently wished, that while the governments of the earth were crumbling around them, they would vigilantly attend to the dangers to which the British empire was exposed, augmented as they daily were by the indiscretion of those to whom the conduct of public affairs had been unhappily entrusted.

The Earl of *Buckinghamshire*, while he approved of the exertions made by ministers in favour of the Spanish Patriots, could not refrain from expressing his disapprobation of the manner in which our gallant troops were employed; and no man more lamented than he did the mistakes which had placed them in situations which rendered them incapable of displaying those energies for which British soldiers are every where characterised. He wished to avoid pledging himself to any measure whatever, until ministers laid fully before the House their motives for their conduct.

Lord *Erskine* reprobated the Address, as in many respects disingenuous, particularly in the attempt which it made to screen ministers, by shifting the blame of the Convention of Cintra from their own shoulders to those of the officers who commanded the expedition in Portugal. If there was an error of judgment any where, it was to be charged on his majesty's ministers, who had placed those officers in a situation which reduced them to the necessity of acceding to such terms. The conduct of ministers in rejecting the proposal of America, he must also reprobate. It would lead to the worst consequences. It would throw America into the arms of France, and tend to separate the new from the old world, which must deeply wound the commercial prosperity of this country.

The *Lord Chancellor* combatted the opinions of his noble and learned friend. Nothing could be more unfounded than the idea which some noble lords seemed to entertain, that the government of this country seemed to be actuated by a spirit of hostility towards America. They harboured no such feeling, on the contrary, they were sensible that the interests of the two countries were closely connected; but that England must maintain her dignity, her rights, and her laws: otherwise, indeed, she would soon prove but an unavailing friend to America or any other country. Nothing could be more unfounded than the charge of disingenuousness, brought against the Address by his noble and learned friend. What was there disingenuous in it? It did not preclude the house from the fullest investigation of any of the measures it had referred to, but left them open for future discussion and censure. In the reference it made to the Armistice and Convention, it did not intend any reflection upon the military conduct of the officers concerned in them. It rather had in contemplation circumstances of a mixed nature, rather political than military, and these most probably it was of which his majesty has declared his disapprobation. When all these measures came hereafter to be discussed, noble lords would find themselves fully at liberty to treat them according to the judgment they might then form of them. Their concurrence in the Address at the present moment would not preclude them from that liberty.

Lord *Mulgrave* vindicated ministers from the reproaches bestowed on them; and merely indicated, that they were ready to discuss the various subjects mentioned, whenever the noble lords on the opposite side chose.

Lord *Auckland* said, that several parts of the Address might bear the interpretation of committing the house; as it was said, for instance, that they heard 'with satisfaction,' that his majesty had entered into a treaty. But he was glad to hear it expressly declared, that their agreeing to the Address did not involve their approbation of the measures of government.

The Address was then agreed to.—The Earl of Liverpool then gave notice, that on Monday he should move the thanks of the house to sir Arthur Wellesley, and the other officers and troops, for the victory of Vimeira.

HOUSE OF COMMONS.

Thursday, January 19.

About three o'clock the Speaker entered the house. Soon after, the Deputy Usher of the Black Rod made his appearance, and summoned the house to the house of peers, to hear the Commission read. The Speaker and a number of the members accordingly attended.—On their return, the Speaker informed the house, that, in pursuance of an act of the 24th of his majesty, he had, during the prorogation, issued writs for the election of a member for the county of Southampton, in the room of sir H. Mildmay, bart. deceased; and of a member for the borough of Bossiney, in the room of lord Rendlesham, deceased.—The Clandestine Outlawry bill was, *pro forma*, read a first and ordered to be read a second time.—A new writ was ordered for the borough of st. Alban's in the room of the hon. J. W. Grimston, now baron Forrester.

[THE LORDS COMMISSIONERS' SPEECH.] The *Speaker* acquainted the house, that the house had been at the house of peers, at the desire of the lords commissioners, appointed under the great seal, for holding this present parliament; and that the Lord High Chancellor, being one of the said Commissioners, made a Speech to both houses of parliament; of which, to prevent mistakes, he had obtained a copy; which he read to the house, and for which we refer to our report of the proceedings of the lords, see p. 1. After the Speaker had finished the Speech,

The Hon. *Frederick Robinson* rose. He said he would not detain the house for a longer period than it was usual for gentlemen, placed in a similar situation with his, to claim their indulgence, and would therefore, without further preface or apology, proceed to state such observations as occurred to him on the Speech they had just heard read, and which would form part of the Address he should have the honour to move.—His majesty had expressed his confidence, that his parliament would concur in giving every aid in their power which could contribute to the firm and vigorous support of the war in which we were engaged. With such views as they originally entertained on the subject of this war, with such views as they had continued to take of it, it would indeed be a singular inconsistency to depart from them at a moment like the present, and refrain from giving his majesty an assurance that they were ready to give him all the assistance required, and which the extraordinary nature of the case demanded. The leading topic in the Speech referred to the state of Spain, and whoever looked to the actual situation of affairs in that country, and the nature of those occurrences that led to the connection with our own, would agree with him in the propriety of reducing into practical use that excellent maxim, that 'vigorous war led most directly to safe and honourable peace.' Our connection with Spain was formed for the purpose of enabling her to resist the tyrannous usurpation of France, the injustice of which could only be equalled by the perfidy of the means employed to accomplish the detestable design. It was, indeed, difficult to determine which to reprobate most. He knew not in what language to describe the fraud and falsehood employed by Bonaparte to subdue a people to whom he was united in the closest bonds of alliance, and who had reposed an ill-founded confidence in him. In the Declaration he had published, he had told them, that if they refused to accept his brother Joseph for their king, he would cut out a new kingdom for him, place the crown of Spain upon his own head, and punish those whom he dared to designate as 'the wicked.' It would be well for the yet unconquered countries in Europe (of which he was sorry to say there were now but few), to attend to the first part of this Declaration, as there were doubtless some to be found from whose territories this embrio kingdom might be formed; and it would be well for G. Britain to look to the latter part, as she was assuredly included among 'the wicked,' whom the tyrant presumptuously pretended he had a divine commission to punish. Some few, perhaps, of his countrymen, might think that the cause of freedom in Spain was less pure, because that country had not agreed or participated in hailing the dawn of liberty, which was once thought to illume the horizon of France. But surely no sight could be more grand and animating, than such a people, whose character for ages had been famed for many virtues and noble qualities, rising against foreign injustice, tyranny and oppression, resolved to be independant, or to perish in the struggle. Could we wonder at the sympathy which the people of this country felt, at the energy with which they came forward, and at the glowing participation of sentiment which they expressed in a cause so like their own. Speculative men might differ on points relating to internal reforms and regulations; but it was evident, that the Spanish people did not think the return of a native king to his legal throne, incompatible with national reform. The cause of Spain had lost none of its first interest, and Britain was still bound to extend her mighty arm, to save and to succour. Under these circumstances he could easily conceive what his majesty's feelings must have been, when it was proposed to him to abandon the cause of Spain, a proposition to accord with which would have been disgraceful to the sovereign and to the country. When he heard of the opening of negociations, he entertained little or no hopes of success. Buonaparté would not give up his pretensions, and we were not base enough to agree to the shameful terms offered as the grounds of treaty. Indeed, no one could believe that the two emperors at Erfurth ever entertained an idea that their proposals could be listened to, as they must have been aware, from the history of this country, that we were not in the habit of deserting our allies, and surely they could never expect that we would degenerate from our known character, in a cause so great and important as the present.—As the house were not yet in possession of the Treaty of Alliance entered into with the Supreme Junta, it would be premature to make any remarks upon that subject. The contest we had undertaken was arduous, but we were not on that account to despond. If so, we might have long since sat down in dumb despair, and have submitted to France. He trusted, therefore, that notwithstanding the surrounding difficulties, with our assistance, Spain would yet triumph over her misfortunes, and confound her oppressors;

> Per damna, per cœdes, ab ipso
> Ducit opes animumque, ferro.

The next topic to which he would allude was the campaign in Portugal; and he could have no doubt of the house acquiescing in a sentiment which acknowledged the gallantry and excellence of our forces employed in that country. The battles fought spoke for themselves. In no cases were the discipline of men, or the skill and military talents of their generals, more conspicuous. As a proof of this, it was only necessary to revert to the expression of public opinion on the campaign, which was not considered as commensurate to what ought to have been secured from the bravery displayed by our soldiers, and the success that had attended their efforts.—The next subject touched upon was our relations with Sweden; and though Russia, by dint of superior forces, had obtained advantages over our ally, yet every one must admire the king of Sweden's steady adherence to the principles which first united him to us, and drew down the implacable hatred and vengeance of Buonaparté upon his head. His determination also not to listen to terms of accommodation, hostile to the independence of the Spanish nation, gave him an additional claim to our support. It was our duty, then, to assist him with all our power; thus evincing to the world, that Britain never forsook those who remained true to themselves and to their engagements with her. It would also have the good effect of establishing a character not to be shaken, that we never by indifference would create hostility, where by liberality we could make friends.—Upon a review of the existing circumstances mentioned in the Speech, it was clear that we could not support our part in the arduous scene without incurring much expence. But on this point he had no cause to expatiate, as he was truly happy to hear it asserted, that the public would not be materially burthened, as other means could be found to answer the exigencies of the times. It was also highly satisfactory to learn, that our revenues were in so prosperous a condition. Considering the means adopted by our enemy, and the exertions he used to destroy our commercial prosperity, though he never thought they would have the full effect designed and hoped for by the contriver, yet neither had he been sanguine enough to imagine that they would be employed so inefficiently, that, instead of doing us any injury, a progressive increase of revenue was the consequence. All the attempts of Buonaparté to undermine our national strength had failed, and the trial had proved that Great Britain was superior to all the opposition and schemes of deterioration the tyrant of the continent could devise.—The last topic to which he should call their attention was the military state of the country. As he had ever been a friend to the measure adopted in the last session of parliament, he rejoiced to find it had been so eminently successful. It was, however, necessary to provide for offensive as well as defensive war, as nothing contributed more effectually to a state of security than a vigorous prosecution of offensive hostilities. Never was our army in a higher state of excellence in discipline, equipment, or numbers, and he should be happy to see some mode devised by which an increase could be made to its present superior establishment. These being his sentiments with regard to the principal subjects alluded to in the Speech, he begged leave to move, "That an humble Address be presented to his majesty, to return his majesty the Thanks of this house for the gracious Speech which his majesty has directed to be delivered by the Lords Commissioners: To assure his majesty, that we are met together with a determination cordially to support his majesty in the prosecution of a war which we are well convinced there is no hope of terminating safely and honourably, except through vigorous and persevering exertion:—To express our humble acknowledgments to his majesty for having been graciously pleased to direct to be laid before us, copies of the proposals for opening a negociation which were transmitted to his majesty from Erfurth; of the correspondence which thereupon took place with the governments of Russia and of France; and of the Declaration issued by his majesty's command on the termination of that correspondence; and to assure his majesty that we will lose no time in taking those Papers into our most serious consideration:—To congratulate his majesty on the strong assurances which his majesty continues to receive from the Spanish government of their determined perseverance in the cause of the legitimate monarchy, and of the national independence of Spain; and to state that we rejoice in the determination expressed by his majesty, that he will continue to the people of Spain, so long as they shall remain true to themselves, his most strenuous assistance and support:—Humbly to express the satisfaction which we feel in learning that his majesty has renewed to the Spanish nation, in the moment of its difficulties and reverses, the engagements which his majesty voluntarily contracted at the outset of its struggles against the usurpation and tyranny of France; humbly to thank his majesty for acquainting us that these engagements have been reduced into the form of a Treaty of Alliance; and for his gracious condesension in assuring us, that so soon as the ratifications shall have been exchanged, that Treaty will, by his majesty's directions, be laid before us:—To assure his majesty of our entire participation in the lively satisfaction with which his majesty has contemplated the achievements of his forces in the commencement of the campaign in Portugal, and the deliverence of the kingdom of his majesty's ally from the presence and oppression of the French army; while, on the other hand, we deeply regret the termination of that campaign by an Armistice and Convention, of some of the articles of which his majesty has been graciously pleased to inform us that his majesty has felt himself obliged formally to declare his disapprobation:—To assure his majesty, that he may rely on our disposition to enable his majesty to continue the aid afforded by his majesty to the king of Sweden; and to state that we are sensible that monarch derives a peculiar claim to his majesty's support in the present exigency of his affairs from having concurred, as his majesty has been graciously pleased to inform us, with his majesty, in the propriety of rejecting any proposal for Negociation to which the government of Spain was not to be admitted as a party:—To return his majesty our humble thanks for directing the Estimates of the current year to be laid before us; and to assure his majesty, that he may confidently rely upon our zeal and affection to make such further provision of Supply as the vigorous prosecution of the war may render necessary; and that we shall have the greatest satisfaction in finding ourselves enabled, according to the wish so graciously expressed by his majesty, to provide such Supply without any great or immediate increase of the existing burthens of his people:—To assure his majesty, that we learn with the highest satisfaction, that notwithstanding the measures resorted to by the enemy for the purpose of destroying the commerce and resources of this kingdom, the public revenue has continued in a course of progressive improvement:—Humbly to thank his majesty, for informing us that the measure adopted by parliament in the last session for establishing a Local Militia has been already attended with the happiest success; and that it promises to be extensively and permanently beneficial to the country:—Finally, to assure his majesty, that, duly weighing the immense interests which are at stake in the war now carrying on, we will, in obedience to the special recommendation of his majesty, proceed, with as little delay as possible, to consider of the most effectual measures for the augmentation of the regular army, in order that his majesty may be the better enabled, without impairing the means of defence at home, to avail himself of the military power of his dominions in the great contest in which his majesty is engaged, and to conduct that contest, under the blessing of Divine Providence, to a conclusion compatible with the honour of his majesty's crown, and with the interests of his allies, of Europe, and of the world."

Mr. *S. R. Lushington* rose to second the Address. It is highly satisfactory to me (said he) in rising to second the Address which the hon. member has moved, that the ability and eloquence with which he has illustrated the various important topics which it contains, leaves little for me to perform. In executing this lighter task, I trust, however, to the usual courtesy of the house, to make a large allowance for my deficiencies. Believing as I do, that there never was a period in the history of this country, when Parliament assembled under circumstances more deeply affecting the vital interests of this Empire, I cannot but feel the strongest desire, that the house may join in an animated and unanimous expression of loyalty and attachment to his Majesty's person, and of hearty cooperation in the just views of his government. To the cordial manifestation of these sentiments on former arduous occasions, to the vigour thereby infused into the measures of his majesty's government and thence transmitted to the nation at large, we owe it that at this moment Great Britain remains single, amidst the nations of the world, unhurt and unappalled by the tyranny or treachery of France. If such have been the acknowledged benefits flowing from the united force of Parliament on former occasions, assuredly I cannot err in anticipating a cordial concurrence in the motions made by the hon. mover on this occasion, involving as they do the honour of the crown, the pledged faith, and all the generous feelings of the nation, and the only remaining hope of deliverance to Spain, and all those nations who have successively fallen under the violence of France and their own concurring supineness. Reflecting upon the unhappy events which in these latter years have alienated so many of our Allies from this country, and thrown them into the arms of the enemy, his Majesty's ministers have felt it particularly their duty to give an example to the world of the interest which his Majesty takes in the welfare of other States—of the good faith of this country in performing all the duties of alliance. Convinced that they were dealing with an enemy, who omitted no means of fraud or force to gratify his lust of dominion, and satiate the vengeance which his heart feels, and his tongue often acknowledged, towards this country, his Majesty's ministers have not been deluded, by hollow offers of peace, from performing the duty they had solemnly pledged to Spain. Acting on that spirit of caution which the experience of former treachery justified, they ascertained that the principles upon which the enemy professed to treat with this country must be to the last degree offensive and insulting to every man not prepared to humble and disgrace it. To have made peace with France by abandoning Spain, would be so foul an act of cowardice and desertion, that it seems to me impossible any man could counsel his majesty to an act so disgraceful to the country. War, under any circumstances of disaster that the imagination can conceive, appears to me preferable to such a peace. I feel therefore that his majesty's government is entitled to our warmest approbation, for anticipating and defeating the treacherous views which dictated the insidious offers of the enemy, for the manly Declaration published on that occasion. I trust, indeed, that the feelings of the house, in this respect, will be as general as their determination, cordially to support his majesty in the vigorous prosecution of the war in Spain, and such a declaration seems to me a homage which all parties must be not less anxious to pay to our national honour and faith, than to the principles they have themselves formerly professed. But if we shall desert the cause of Spain, in the midst of her reverses, even whilst the Spaniards continue true to themselves, with what confidence can we hope for our own safety. So deep a stain will, I trust, never fall upon this country; for with nations as individuals, punishment follows fast upon the footsteps of dishonour. I trust therefore, that every member of this house will feel, that the faith of Great Britain, solemnly pledged to Spain and Sweden, must be religiously observed, and that the preservation of that faith, in all cases of difficulty and trial, is the surest tower of safety to this country; and the best hope of deliverance to the rest of the world. His majesty has expressed the lively satisfaction he has derived from the achievements of his army, in the commencement of the campaign in Portugal. Sir, there is not a hamlet in this empire which did not partake of his majesty's feelings, in viewing the successes which crowned the valour of his troops, whilst they were under the sole command of my right hon. friend; though the nation universally shares in the anguish of his majesty's heart, upon the extraordinary infatuation which sacrificed all the glories of Vimeira to the enemy, yet I trust that the disappointments and difficulties which have occurred, great and severe as they are, will have no other effect than to inspire us with additional vigour, and stimulate us to new exertions, in the confidence that the same skill and heroism will hereafter lead to happier results. After all the gloomy predictions which were held forth to us, of the failure of our revenue and commerce, during the last Session of Parliament, it must be matter of the most substantial satisfaction to this house, to find that the enemy has himself chiefly felt the evils of his own injustice. The system adopted by his majesty's government, and the spirit of enterprise and industry which distinguish the commercial dealings of this country above all the nations of the world, have alleviated the mischief meditated by France against the resources, credit, and commerce of this country, and the revenues are still proceeding in a state of progressive improvement. His majesty has recommended to the house the increase of our military power. In times of tumult and disorder, like those in which we live, our military strength must be made to keep pace with the enemy, and the house feeling that not only the success of our arms in foreign countries, but the defence of our own islands depend upon the speedy augmentation of our military power, will no doubt determine, with every possible expedition, the best means of obtaining that increase. To me this has always appeared to be the paramount subject of our anxieties and deliberations; and it is highly satisfactory to know, that the measures heretofore adopted for this purpose, have succeeded to the full and best of our expectations. It now becomes the wisdom of this house to enable his majesty to avail himself of the military strength of the dominions at the earliest possible period, for without it there can be no hope of a successful resistance of that tyranny which has already desolated some of the fairest portions of the globe, and still menaces with its baleful influence the interests and happiness of the world. For these reasons, I most cheerfully second the motion of my hon. friend.

Mr. *Ponsonby.* The awful circumstances, Mr. Speaker, under which the present session of Parliament commences, would in themselves, without even his Majesty's direction, have called our attention to them, and produced, I am sure, in the mind of every man, a wish to offer to the House such opinions and counsels as are likely to tend to the honour and security of the country. His Majesty in his Speech intimates to us, that the contest, in which we are engaged has no likelihood of being brought to a conclusion favourable to the interests of this country, or of our allies, without a vigorous and persevering continuation of the efforts of the British nation. I do believe that his Majesty may have formed a very just estimate of the situation of this country, and of the rest of Europe, in so saying; but I cannot but lament how deeply he is likely to feel the disappointment which must probably ensue from the conduct of those to whom he has entrusted the councils of the nation. If his Majesty thinks that a vigorous perseverance in our exertions is the only means of bringing the present contest to a favourable conclusion, I do imagine that we can form but a feeble hope, that the same men who hitherto have so feebly negociated, and who have so ineffectually conducted the force of this nation, will gratify the wishes of the country in their future efforts, either in our own behalf, or in that of our allies; for never, I believe, since Great Britain attained and supported its present rank among the nations of Europe, has its public force been directed with so little skill, so little foresight, or so little success.—His Majesty last year concluded a Treaty with the king of Sweden, by which the country stands pledged to pay to that monarch the sum of one hundred thousand pounds, which stipulation the country has performed with fidelity; for I believe that so far as relates to the expenditure of the public money, there are none who will think of accusing those of his Majesty's council with ever having been wanting in vigour. (Hear! hear! hear!) By that Treaty it is stipulated, that if the king of Sweden be attacked by his neighbours, this country shall concert with that Sovereign as to sending out an auxiliary force to his aid. How far there has been any thing of concert—how far there has been any thing of counsel—how far there has been any mutual communication, or common understanding, between the government of this country and his Swedish Majesty, in conformity with the Treaty, we can form some judgment by the expedition of sir J. Moore and his army sent out in the course of the last summer. Upon that occasion, an army was brought from the south of Europe almost at the moment when Spain had resolved upon hostile exertions against the usurpation of the government of France, for the purpose of defending Sweden. That army was commanded by one of the ablest generals in the British army, aye, and the most confided in; for that gallant officer has since been entrusted with the command of an army in Spain, upon whose success and safety perhaps at this moment depends, not alone the independence of Spain, and the glory and character of Britain, but the fate of Europe; even the hopes of humanity itself. It cannot then be argued by the right hon. gent. opposite, that if there was a failure of the expedition for the defence of Sweden, that failure was attributable to the commander of that army. For it is impossible, that the same men could have recommended to their sovereign, to employ him in Spain with whom they were dissatisfied in Sweden. (Hear! hear! hear!) What then, I ask, was the result of that expedition? Was it because sir John Moore was kept in ignorance of the mutual counsel and concert of the two governments; or was it because there existed in the counsels of his Majesty's ministers neither method, system nor design, that that officer, without a single musquet being fired by his army, or any battalion of it being formed in array against an enemy, was compelled actually to make his escape from Stockholm in disguise? (Hear, hear, hear!) Is it here the empire is to look for a proof of that energetic vigour, on which the present servants of the Crown have ventured to plume themselves? Is this the prospective hope they hold out to their sovereign and to their country, of an able and commanding direction of its means and its resources? If we can find no such testimony from these occurrences, I fear we shall be able to trace in them the counterpart of the same compromising and dastardly policy, which in the same quarter of Europe marked their career a short time previous to the last session of Parliament. When they waged their detestable and fatal hostilities against the crown of Denmark, by the attack on Copenhagen, an aggression which has lowered the character of Great Britain for national honour and good faith, it was at least to be expected, that when such invaluable sacrifices were made, some great eventual and permanent benefit ought to have ensued. But what have we experienced? Were the evils which we had sacrificed national character and our before unsullied honour to avoid, less either in quality or extent than those, the very consequences of that policy which we now feel? If that rash and inglorious expedition had not taken place, the Danish navy would now consist of ships of war, blocked up in the ports of that country, instead of being converted, as it is now, into a more active and successful means of hostility against our commerce, than the navy of any power in Europe. Our commerce has, I contend, suffered far more in consequence of your attack, than it could have suffered had you not taken their fleet. (A laugh from the ministerial benches.) That opinion I maintain. Did you, when you made your assault upon the navy of Denmark, deprive it of the services of a single sailor? No. You contented yourselves with taking away their ships of war. Had their marine continued safe from your assault, it would hav absorbed the exertions of their seamen. If hostilities between the two countries were unavoidable, a sense of pride would probably have compelled them to risque a contest with a British Fleet. Our tried experience and superiority at sea, made us easy as to the issue. But by your own policy, having deprived them of that which occupied the exertions of their numerous sailors, Denmark now applies her whole force of that kind in a predatory warfare against your commerce. This has been the result of an unjustifiable measure; which, whilst it exasperated the enmity of an unoffending neutral, has by no means diminished her means of annoyance. And this is a fresh instance of the merits of that ministerial vigour, which was to characterize the government of those now entrusted with the confidence of the Crown. In what view the right hon. gent. opposite considers such consequences, it is not for me to presume. I for my part cannot but consider them not less injurious to our interests, than they are degrading to our reputation; for, I ask any man, when the nations of the world see expeditions sent for certain objects, return, not alone without effecting such objects, but even without adopting one single measure to promote their accomplishment, in what light, I say, can they consider them, but disgraceful—disgraceful not to the commander of the British army, nor to the gallant men under his command, but certainly disgraceful to those counsels which have manifested no farther proof of enlargement of system, which have realized no other promise of energy in cultivating resources, or promptitude in applying them, save in a sort of pantomimical movement of fleets and armies from one end of Europe to the other without effecting any thing. (Hear! hear! hear!)—After these transactions in the North of Europe, the affairs of Spain next engrossed the attention of the world. The government of France having made its iniquitous attempt upon the independence of that nation, (an attempt deserving of all the censure and reprobation which the hon. mover has so eloquently pronounced upon it,) an opportunity of ardent hope to this country, and of probable deliverance to Europe, presented itself, such as we had not witnessed since the revolution of France in 1789. This was an event of the greatest importance, an event big with the greatest consequences; and which demanded the greatest attention of the king's ministers: they, and they only, were capable of forming a just opinion concerning it. It was impossible to conceive that such a country as Great Britain could view such passing events with indifference, or without taking a very prominent part in their direction. The question for those entrusted with the management of our concerns, was to obtain the necessary knowledge, and to bestow upon it, when acquired, the most mature consideration. It is upon this principle the conduct of his majesty's ministers, with respect to the war in Spain, in my opinion, is to be appreciated. It is in the recollection of this House, that we were first acquainted with the exertions of the Spanish people a very short time previous to the prorogation of Parliament. The right hon. gentlemen opposite at that period studiously avoided to make any communication on that subject to this house. They had determined to apply to their own credit, all the glory and advantage, which the cause of Europe may derive from their co-operation with the Spanish people. They, and they alone, were aware of the wishes and objects of that nation; all that was known was known by them; all that was done, was done by them; all that was advised was advised by them. When, therefore, the Spanish nation undertook to resist the power and usurpation of France, and when the government of this country had determined to co-operate in that effort, the natural course of duty was to decide on the system best calculated to insure the important object. It will not be denied that the maturest reflection was necessary, and that this country, in the application of its means, should not take any precipitate steps. We had to recollect, that if Spain was successful in its struggle, such an event would not only, in its immediate effects, prove highly beneficial, both to them and Great Britain, but that the relative power of France would have been considerably diminished. Had we succeeded in placing upon the throne of Spain, a prince hostile to the present dynasty of France, and friendly to this country for its services in its cause, the designs of France against the peace and independance of Europe would have vanished into air.—When, therefore, such consequences hinged upon the decision of our counsels, I can, without fear of contradiction, assume, that in our system of co-operation, ministers should have been comprehensive in their views, and energetic in carrying them into execution. The most prominent object for their consideration, we should suppose, was the nature of the warfare which was most likely to be successfully carried on by the Spanish people: Whether it was to be conducted in the field, according to the modern system of military tactics in Europe, or whether it was to be considered as a kind of desultory attack by the host of the Spanish population, supplied by Great Britain with arms and military equipments, throughout every province of that peninsula. This mode of warfare has been recommended by the advantages which it affords an armed population, favoured by a mountainous country, capable of enduring the severest privations, and of profiting by every incident to harass the enemy against which it is opposed. When such a system is carried to its whole extent, the most powerful invading army may be brought to conclude, from its great loss of blood and treasure, that it were wiser to desist than persevere in such an hazardous attempt. These were the two schemes, one of which, in contemplating the affairs of Spain, ought to have been pursued. But his majesty's ministers seem, from their conduct of the war in Spain, not to have decided. System they had none: on one day they gave the preference to this plan, and on the next they changed it for another. If any reliance can be placed on the communications which have been made in the various newspapers, as to the proceedings of the Board of Enquiry, it would seem that sir A. Wellesley was sent out by his majesty's government without any specific instruction, without any direction whither he was to proceed, or with what authority in Spain to consult. Indeed he appears to have sailed with a sort of adventurous roving commission:—to do whatever he pleased!—It is next to be considered, whether the force under his command was sufficient for any really serviceable object. For I can conceive nothing less likely to serve the Spanish cause, than to send out to that country a force not competent to keep the field itself, and not able to co-operate with the force which we were told the Spaniards had in arms. If I am wrong in the statements I have considered it my duty to make, no blame is imputable to me. I have been kept in ignorance, and therefore have a right to refer to the communications which, whether right or wrong, have appeared in the public journals. From these it appears, that sir A. Wellesley had, on his arrival at Corunna, consulted with the Junta of Gallicia, and that that body had recommended to him not to debark at St. Andero, but to proceed to Portugal and make that country a point of union and connection between the northern and southern provinces of Spain. That the Junta of Gallicia were very anxious to get rid of a French force, in possesion of a country on their rear, is what few could doubt; but how a compliance with their wishes, by the commander of a British army, could have tended to the delivery of Spain, is that to account for which all men are at a loss. Because, if Spain had been relieved by the expulsion of the French force from its provinces, there was little doubt that the enemy, in possession of Lisbon, would have been compelled to submit. The smaller country was dependent on the greater for its deliverance from the invaders; but it by no means followed, that the possession of Portugal extended a reciprocal protection to Spain. How did the facts unfold themselves? You have expelled the enemy from Portugal, and since that he has entered Madrid, defeated three Spanish armies, and is at this moment in pursuit of your's. (Hear, hear, hear!) We learn this night from his Majesty's Speech, that his arms, though at first honourable, have terminated in an Armistice and Convention, of some of the articles of which his Majesty has felt himself obliged to declare his formal disapprobation. When or where this disapprobation has been declared, is to this moment a secret to me. I find from others, whom I should suppose to have better information, that they never heard of this disapproval, nor ever met with any person who had. But even had we heard of this disapproval before, we are to this moment left in ignorance of what parts of these two transactions his Majesty's disapproval was expressed. Was it to the substantial points of the Convention of Cintra, or was it to those Articles which recognized the titles of the head of the French government, and the general who in Portugal commanded the French army? It is not a little surprising to be told that his Majesty had declared his disapproval, whilst at the same time no explanation is given of the points to which it was directed. But it would be far more surprising to find that this House was not determined to canvass the whole of this transaction, in order fully to ascertain what were the points which called for censure, and to whom the delinquency was to be attributed. (Hear, hear!) But it was not only in sending the British troops to Portugal in preference to Spain, that the vigour of the King's ministers was illustrated. It was also to be traced in the various equipments of the army. It was felt in the want of artillery, in the derangement of the commissariat, in the scantiness of the cavalry force. (Hear, hear, hear!) If the newspapers be correct in their accounts, the defence of all the generals employed in Portugal, for acceding to the disgraceful Convention of Cintra, rested principally upon the ill provided state of the British army, and its inability on that account to fulfill the object for which it was appointed. And, yet, the ministers who planned and sent out that Expedition are the men, on whose able and energetic exertions this House and the country is now called upon to rely, for the proper and successful management of these vigorous efforts which his Majesty's Speech has told us are necessary to bring this awful contest to a favourable result. Is it not more consistent with common reason? Is it not more suited to the duties we owe the British people to presume, that from the experience of the past, such men are unsafe to trust with the destinies of the future; Was the noble lord (Castlereagh) opposite so stinted as to that species of force: or so stinted as to the means of its conveyance, that for a British army, destined to act in the field against the enemy, he could only obtain 200 cavalry? Who that reverts to the proceedings of this House, in the last session, but must remember that noble lord, almost with tears in his eyes, and in a tone of despondence that arrested commiseration, regretting the exhausted state in which he asserted that department of the public service was, through a feeling of false economy, left by a right honourable friend (Mr. T. Grenville) not now in the House. It was then, we were told by him, that by having transports when they were not wanting, we were sure to have them at hand in the moment of urgency. By what fatality I ask the noble lord is it, that all his characteristic energy seems to have set upon the present state of things? (Hear, hear, hear!) Is this the testimony, which under the administration of the noble lord, Great Britain exemplifies to the continent of Europe, of her military powers, and of the strength and comprehension of those who manage her resources? Indeed, if their effects had not proved most lamentable to the security of Europe, and the character of this empire, it would afford a most prolific source of ridicule to review the ministerial operations of the noble lord. An army sent without instructions, without plan, almost destitute of cavalry, and deficent in stores; the artillery not fit for the operations which should have been pursued, whilst the horses, (the accounts given of the state of which, if it were not for the melancholy consequences, were truly ridiculous) were represented as blind and lame, and some even as dying of old age. These, at least, are the statements of the general officers whom the noble lord had selected; and if they are not satisfactory to himself, he alone is to blame for their inaccuracy, having appointed three commanders in chief with a rapidity greater than the relays of post horses, from whom, of course, no very intelligent accounts were to be expected.—Now, let us examine the reasons stated by the generals for acquiescing in the Convention. Time, say they, was thus obtained to forward the British army to Spain. The Convention was signed definitively on the 30th of August; and yet the British army was not ready for action in Spain for two months, nay, some of the troops did not leave Portugal for ten weeks after. Is it only for the conveyance of the troops of France that the noble lord can find transports? These he can convey in British shipping, to be again, almost immediately on their debarkation, employed in Spain, whilst by that very measure he subjects, in a dreadful season, the British army to a march of 500 miles. It is impossible to pronounce adequately upon that disgraceful measure; there is so much in every part of it of mystery, enigma and riddle. We are now told, that his Majesty has expressed his formal disapprobation of some parts of the Convention; and yet his ministers thought proper to fire the Tower guns in approbation of it. His Majesty, it appears, had a different feeling of what affects the honour of the country and the glory of the British army, and I most sincerely believe it, from that entertained by those ministers, who conceived it right to proclaim with all the demonstrations of public rejoicing, this stain upon both. His Majesty protests against being deemed a partner with his servants in this disgraceful transaction; and has this night announced to his Parliament that he has formally disapproved of it. Early in the progress of the hostile operations in Spain, I believe in the month of July, a document was published by the Supreme Junta of Seville, under the title of *Precautions*, which fixed upon a plan of warfare, and also conveyed instructions to the inhabitants of Spain, as to the manner in which they were to conduct their hostility against the enemy. Biscay, Castile and Navarre were the parts of the peninsula pointed out as the most proper theatre for hostile exertions. These were the points most important to engage the consideration of the patriotic leaders, and, of course, of the auxiliary force which was naturally to be expected from this country. Now, if his Majesty's ministers had condescended to hold a little intercourse with the Supreme Junta, or have allowed the army to remain in England till they actually knew something of the state of Spain; or, if sir Arthur had even corresponded with the Junta, they, and we too, would have learned, that the most important duty to be performed was the defence of the north of Spain, and the passage of the Pyrenees; and then, instead of being worsted, the army so sent might have been used for the most beneficial purposes, so as to make the French retire within the frontiers of France. I am certain that was the plan of warfare which would have been most essential to the safety of Spain. The Convention of Portugal having taken place, his Majesty's ministers thought proper to cause the Tower guns to be discharged, in token of the satisfaction they felt, until they found that all the rest of his majesty's subjects entertained a contrary feeling upon the transaction. The public displeasure was loud and general; every patriotic heart felt the stain cast upon his country's honour; every tongue uttered the complaint. It did so turn out, too, that the first city in the empire, the city of London, sympathising with the national feeling, approached the throne with their sentiments, and a most vigorous reception they did meet with indeed. (hear! hear!) The right hon. gentlemen had certainly anticipated a complete triumph over the Lord Mayor and Common Council of London; but subsequent events proved that his majesty's citizens could rally. The Corporation tell his Majesty, that they think the Convention disgraceful, dishonorable to the British arms, and injurious to his Majesty's interests: they call for investigation and the punishment of the guilty. In answer to this application, his Majesty's ministers advise his Majesty to tell the Citizens of London that their interposition was unnecessary, and that it was inconsistent with British justice to pronounce judgment before investigation. Really, though the gentlemen opposite may think their responses not only wise but oracular, I am at a loss to know what the difference is between British justice, and that justice which, in every variation of time or place, is immutable. Feeling the profoundest respect in every case, in which his Majesty appears to act, I still must say, that his advisers put into his mouth upon that occasion, an answer as little congenial to the spirit of the British Constitution, as it was ill suited to the dignity of the throne. Ministers may talk with flippancy themselves, they may pun and epigrammatise, they may sneer, or they may snoutch,—but when unfortunately the king of this country feels it his duty to hint his displeasure to his people, or convey to them a rebuke for their conduct, there ought to be a dignity and decorum observed in the language of reproof from the throne, which would make displeasure more severely be felt by those for whom it was intended. But, Sir, I can easily conceive that ministers might have been a little irascible on receiving that remonstrance, because, notwithstanding the usual complacency of the City of London to their measures, it had within the last year on two important occasions opposed them, first on the Reversion Bill, and latterly on this disgraceful Convention.—The most material considerations, however, are the employment of the British force in Spain, the dilatoriness of those directing it, and their total want of capacity. If it were wise at all to send a British army into Spain, that opportunity has been lost, which appears to have been the only favourable one that presented itself. In giving assistance to the Spaniards, there were, as I before stated, two modes of proceeding. What the opinions of the Spaniards themselves are I profess myself totally ignorant. The fact is, that this ignorance does not proceed from any want of diligence on my part in making inquiries; but for want of any authentic source from which information could be procured. Did the Spaniards make application for a regular force to be sent into their country, or for money, arms, ammunition, clothing, and all other necessaries to enable them to prosecute the war against such armies as France had the power of pouring into their country? I ask this question, because if Spain with such assistance could not carry the point of keeping out any fresh reinforcements, there was little probability of preventing that country from being over-run. In investigating this matter we should have considered what was the amount of the disposable force of France. To guide us in regard to this point, we have a recent document to refer to for information. In papers which were laid before Parliament in the beginning of the year 1806, just after the failure of the third coalition, there appears a Memoir from the court of Vienna to that of St. Petersburg, stating the amount of force which France could probably bring against the allied Powers. From this document it appears that the French force was then estimated at 500,000 men, exclusive of the imperial guards, which consisted of 15,000 men. This was the opinion of the court of Vienna before France had over-run Germany and Poland and some other countries of Europe, and previously to her connection with Russia. The disposable force of France must, therefore, have been since considerably increased; and it was consequently most material for this country, before it adopted any measure whatever, to consider well the propriety of employing her troops in Spain, where there was a likelihood of such immense numbers being brought against them. Never, I believe, was sympathy so strong, as that evinced in England in favour of the Spanish cause. Yet, though such had been the enthusiasm of the nation at large, and however ardent the people might be in lending assistance to support such a glorious struggle, it was the duty of those, who were intrusted with the management of the national force, to consider in every point of view the propriety or impropriety of complying with the popular feeling. That was perhaps the feeling of the moment, but ministers were bound to consult for the permanent interests of the public, and it was therefore their duty to investigate and ascertain by every possible mode, whether they ought to risk an English army at all in Spain, or confine their assistance to the supplies I have mentioned. I do not wish to impute blame to them for having sent a British force to Spain, if the Spaniards themselves applied for it, and if it was the opinion of competent judges, that there was a probability of enabling them thereby to keep the field against their powerful enemy. We have instances in our history of our having been before in a similar situation and under similar circumstances. The independence of the United Provinces was effected principally by the assistance of England. Queen Elizabeth for her own safety, against the designs of Spain, assisted those who revolted against its tyranny and oppression; and I wish that ministers had adverted, in the present instance, to the conduct of that wise princess, and her wise administaation. None of the present ministry can think themselves disgraced by a comparison with lord Burleigh; and yet we find that queen Elizabeth, pressed as she was by the power, the rancour, the persevering hostility of Spain, did not hazard the whole force of her dominions, nor proceed to send any number of troops abroad, without some assurance of safety in case of disaster. She, by the advice of her ministers, took care to possess what were called cautionary towns, and thereby assured herself of a retreat, and gained a safe point whither to send reinforcements, as well as a security that the United Provinces should not abandon her in the contest in which they were engaged. I know not what has taken place between the English and Spanish governments upon that subject; but, I perceive, that in his Majesty's late Declaration it is stated, that certain obligations exist which are considered equally binding as the most solemn treaty. From what I yet know of the matter, I cannot agree in the propriety of any such sentiment: I should not, however, think of abandoning them in the hour of misfortune; but I cannot admit, that we should consider our present obligations in the light of a solemn treaty: for what is the nature of such an engagement? It is entered into in a moment of hurry and precipitation; it has not been laid before us, and therefore, is, as yet, unauthorised by Parliament; and, consequntly, you may approve or disapprove, you may grant or refuse the supplies for carrying it into effect. Upon the whole, therefore, I know not how an engagement of this sort is to be considered as equally binding as the most solemn treaty. But we now understand, that a formal treaty has been negociated, which it is intended to lay before the house, and until that be done I cannot decide upon its merits or propriety. I dare say the house would naturally be inclined to receive, with the fondest partiality, every thing apparently tending to the advantage of the Spanish cause: but, sir, the state of our warfare, under such circumstances as I have already stated, and as his Majesty's ministers have conducted it, is truly extraordinary. If the Spaniards preferred that mode of warfare, which was of a desultory nature, instead of a continued warfare, then the British army could not have been of the least use in Spain; for a British army there must necessarily have pursued a plan wholly different from that of the Spaniards. I know not which system of warfare was proper to be adopted; but I say the two systems are completely incompatible. The Spaniards, in their own country, and pursuing a desultory mode of attack, have the power of dispersing and rallying again, as occasion might require; but this is not the case with a regular army. If you combine the two modes you must necessarily destroy the energies and efficacy of one of them. We have already seen this exemplified in the Spaniards. We have seen their regular army defeated, and almost destroyed by the enemy; while in another quarter we have found their irregular force very successful; which shews that the two modes of fighting are perfectly inconsistent.—Now, sir, let us see what has been the vigour of ministers upon this occasion. By vigour, I presume, is meant a prompt energetic use and application of the public force. Will you tell us of one instance of such promptitude and energy? I presume you cannot say it was displayed in Portugal; nor in Spain by sir John Moore's coming into the field after the Spanish army had been defeated? It was not then useful, because it was unable to keep the field by itself. It is an extraordinary circumstance, that the Convention of Portugal is made to rest in a great degree upon the speedy applicability of the British army in Spain, and yet the general of that army, sir Hew Dalrymple, tells you there was no preparation made for its reception in that country for some considerable time after the Convention was concluded. Can it then be said, that the object of the Convention was carried into effect, or that any time was gained by it? If such measures deserve the name of being energetic, or useful, I am at a loss to know what sort of measures would be deemed the contrary.—As to that part of the speech which relates to Sweden, I have only to observe, that this country is placed in such a situation that I do not see how we can refuse to give the stipulated supply; but I cannot help lamenting, that there is not the smallest probability of any good arising from Sweden continuing to persevere. We are told that the king of Sweden deserves our support the more, because he refused the overtures made to him from Erfurth, relative to excluding the Spaniards from the negociation. Perhaps he deserves the applause of mankind for his bravery and perseverance; but what good, I may ask, can he thereby render to Spain or England? When this vote of supply was proposed last year, I ventured to say, that the most prudent use Sweden could make of the money, was to procure a peace for herself, as it was totally impossible for her to resist her enemies, or be of the least advantage to her allies. Nothing can be more hurtful to us in the eyes of the world than endeavouring to involve the smaller countries in Europe in hostilities with France. The immense superiority of our naval power, our commerce, and prodigious wealth, enable us to look to a long continuance of war, perhaps with safety; but what is that to the powers of the Continent? Their resources are not great; they have no means of offence against France; and what advantage can we derive from the misfortunes of other countries? Instead of being the arbiters and protectors of the Continent, we should, by so doing, be holding up ourselves as the cause of the ruin of other nations.—Having said thus much upon what comes under our notice in the speech itself, I must now take the liberty of making an observation or two upon what the speech omits to state—I mean in regard to what relates to the United States of America. Much correspondence has taken place betwixt the American government and this country, as well as between America and France; and we know that a direct overture was lately made by that power to us, and by us rejected. When the last session of parliament concluded, we left America in a state of hostility and alienation, apparently with great probability of a connection with France leading her into a state of war with us. The commerce of America has suffered much—her own measure of embargo, (whether wise or not) is in itself a prodigious restraint on her trade, and indeed nearly tends to its total annihilation. It was always alleged that we were justified in our Orders in Council, because that neutral power had not taken the necessary steps to obtain from France a revocation of her Decree. The American government however seems to have conducted itself with much activity on this subject. An application was made to France, which I think seems to acquit that government of any wish to favour France more than England, and also of any desire to do any thing more than was necessary for protecting her own interest. America now tells us, that she will take off the embargo with regard to England, and enforce it as far as regards France, the latter power being the first transgressor against her commerce; and that we shall thereby have all the advantage of her trade confined to us.—The right hon. gent. opposite, in an answer, assigning his reason for refusing that proposition, states, what I think rash and unjustifiable, that his Majesty cannot avoid hostility with America, by a concession, not made to America, but to France. Now, do the facts of the case bear him out in this assertion? Did she not enable you by that offer, to make your own Orders in Council infinitely more efficacious than they otherwise could have been? America suffered in her commerce; you suffered also; and you formerly said, that America had not applied to France to recal her decree: she has now made that application, and yet you will not accede to her proposition. The right hon. gent. assigns for his conduct another reason, which, if he does not review with wisdom and discretion, must, with deference to him, seem to imply a degree of levity and intoxication, arising from momentary success; he tells the Americans, that the system of blockade is harmless, and is now broken up into contemptible fragments. If the plan to be adopted with America is to be continued in this way, I am not surprised that his Majesty's speech should have been silent on the subject.—When the papers, which have been promised, shall be laid before the House, I shall then be able to enter more fully into the discussion of the affairs of Spain. I have no desire to disturb the unanimity of the House on this occasion, though I thought it my duty to state distinctly my sentiments upon the various topics to which I have adverted, and for the full discussion of which other opportunities will arise. The particulars to which I wish to call the attention of the House on a future occasion, are the disgraceful Convention in Portugal, the conduct of Ministers in regard to the Spanish war, and also their conduct with respect to America. With the assistance of my friends, I intend, as soon as possible, to bring these matters before parliament for discussion and inquiry. After this previous notice of my intention, I cannot surely be accused of making a factious opposition, in order to interrupt the progress of public business, and without promoting the genuine interests of the country.

Lord *Castlereagh* then rose. He observed that the declaration with which the rt. hon. gent. concluded his speech, that he would not oppose the Address that had been so ably moved by his hon. friend, and his farther declaration, that the various points on which he had briefly touched should become the subjects of subsequent discussion, released him from the great and irksome task of entering minutely into an examination of the statements which the right hon. gent. had ventured to make. The right hon. gent. seemed particularly impressed with the conviction, that in the cause intrusted to his majesty's government (and never was there a cause more deeply interesting), there had been shewn a total want of wisdom and vigour, and that this country and Europe had no chance of salvation but by a change of the men who were to conduct the affairs of the state in the present most critical and important period. Whatever might have been the want of vigour in his majesty's present ministers, so much complained of by the right hon. gent., he believed the country would not have much more to hope for if the reins of government should fall into the hands of the right hon. gent. and his friends, who had given such ample proofs of zeal and anxiety for the welfare and interests of the country, by deserting all those, who were then allied for the defence of the cause of Europe. No great parliamentary recollection was necessary to carry back the mind to those periods, when the rt. hon. gent. and his friends were called upon to support the cause of Europe, at a time scarcely less momentous than the present. Although the conduct of his majesty's present ministers might lie open to examination, he yet felt proud that it would bear an honourable contrast to that of their predecessors. He certainly did not mean to detain the House long on the present occasion; but he would shortly call their attention to the rt. hon. gent.'s observations in succession. The first instance adduced by the rt. thon. gent. in support of his charge of an absence of vigour in government was, that early in the last spring they sent a large military force to the Baltic to co-operate with our ally the king of Sweden. Now, with respect to this measure, as far as naval interference went, it turned out to be most critically opportune; for the marquis of Romana, who was at that time at the isle of Funen, had distinctly stated, when subsequently in this country, that if the British fleet had not entered the Belt on the very day on which it had, his army must have passed over to Zealand, followed by that of Bernadotte. As to what related to the military force, that was not left to the judgment of the British government alone. However highly he might think of the right hon. gent.'s judgment in military matters, he certainly thought that the opinion of the Swedish government on this subject should have at least equal authority; and he distinctly stated, that the force sent to Sweden was on the requisition, nay, at the entreaty of the Swedish minister resident in this country, who had declared that that force might make the whole difference of the salvation of Sweden. Feeling the determination to support the cause of Sweden by arms, and not as the rt. hon. gent. had held out, to sell it to the enemy, the British government had not hesitated to comply with this invitation. What had been the circumstances which led to the return of the troops, the house was not at that time investigating. His majesty's ministers would experience no difficulty in affording every explanation, except what might wound the feelings of our ally, or affect injuriously the interests of the public service. He certainly had no hesitation in declaring, that the gallant commander of that force stood completely exculpated; and he joined issue with the rt. hon. gent. that his majesty's government had given unequivocal proof, that they did not disapprove of the conduct of that brave and zealous officer, by entirely intrusting to him the highest military confidence, that had ever been intrusted into the hands of a British general, in the annals of our history.—The next point in the rt. hon. gent.'s speech, which he should notice, was the great naval exertions, which that rt. hon. gent. stated to have been made by Denmark, notwithstanding the expedition, the morality of which he had formerly so strongly deprecated. And here he must remark on the strange perversion of terms created by the rt. hon. gent. who compared the teasing warfare of gun-boats in a calm, with the great naval efforts of our whole fleet. Did the rt. hon. gent. mean to say, that in the course of the last naval campaign in the Baltic, it would have made no difference, if, when the Russian fleet came out of Cronstadt, they had been joined by 15 Danish sail of the line? Would not this country have been obliged to provide an equivalent fleet for the purpose of counteracting the naval force of the enemy, if we had had to meet 30 sail of the line, instead of 12 or 13? He left it to the rt. hon. gent.'s candour, as a statesman, to say, whether in such a case, the naval affairs of Great Britain would have stood as they now do, either in the Baltic or in any other part of the world. In those seas, exposed to frequent calms, especially in summer, the whole English fleet could not completely defend our commerce against the gun-boats. And often all the injury done to our trade was so inconsiderable, in proportion to the extent of that trade, as to be scarcely perceptible.—But all these points were collateral to that great and overwhelming consideration which must press upon the mind of every man, as connected with the probability of producing the resurrection of the world, or continuing it in that lamentable state in which it had been so long buried. He was most ready to admit, that on no former government had so heavy a responsibility attached, as that which had fallen on the present government since the close of the last session of parliament. He had no hesitation to concede, that to no government had the wishes, the hopes, and the determination of the country in their support been more unanimously expressed. He was ready to allow, that his majesty's ministers felt, that they had only to call upon the country, and that their call would be answered with the utmost liberality of feeling; they were controlled, therefore, by no other considerations than those natural limits to which all human exertion, and all human power, were subject even in such an empire as Great Britain. Admitting, therefore, in the most extensive degree, the responsibility of his majesty's ministers on this subject, he felt no apprehension at the prospect of meeting the charge of the rt. hon. gent. upon it. He felt confident, that it would be proved they had redeemed the pledge given by them to parliament in the last session; that they had carried on the struggle and applied the abundant resources of the country in a manner which, on mature reflection, appeared most likely to secure the object in view, an opinion which even past experience served only to confirm. He felt bold, therefore, in declaring that whenever the rt. hon. gent. should bring the subject before the House in a tangible shape, he should be fully enabled to prove, that his majesty's government had acted on the fullest conviction of the course, that would be most conducive to the success of the cause of Spain; and, if that cause should not succeed, the failure would result, not from any neglect on their part, but from greater engines of destruction having been brought against that country than it was in the power of Great Britain to afford means of defence. This was too large, too interesting, and too important a subject to be broken down in a debate of that sort. Opinion upon it must depend on considerations, that could not be superficially examined. But he must be permitted, however, to say a few words upon the subject; and here he must observe, that it was not very easy to collect the rt. hon. gent.'s sentiments as to the course of military policy which ought to have been adopted towards Spain. The right hon. gent. had described two modes in which our military assistance might have been afforded: the one by furnishing the Spaniards with arms and ammunition merely; the other, (that which had besides been adopted by his majesty's government,) that of sending to their aid a regular military force. The right hon. gent. expressed his partiality for that species of warfare, recommended in their List of Precautions, by what he called the Supreme Junta. He certainly did recollect the paper alluded to by the right hon. gent. but it was circulated long before the Supreme Central Junta had an existence. The writer was unknown; it had no kind of authority; and it was impossible to ascertain, whether it expressed the general sentiments of the nation. The right hon. gent. deprecated the introduction of a regular army to assist an irregular force. Certainly, early in the war, the Spanish troops were local and irregular; but this force was soon found to be ineffective. Even in Andalusia a regular army had been established, and it was not until they got a regular army, that the Spaniards were enabled to make an effectual struggle, and to reduce the power of the enemy by the defeat of Dupont at the memorable battle of Baylen. The course of events decided the question between a regular and an irregular force. When Madrid was evacuated, and the provinces purged of the French, every province felt the necessity of advancing its troops, and they had consequently been advanced and consolidated in the centre of the kingdom. His majesty's ministers had, therefore, no option—the option had been made by Spain. They had chosen the mode of regular warfare, and it would have ill-befitted the character of Great Britain to have shrunk from the contest, and to have said to the Spaniards: "We will give you money, we will give you stores, but we will not hazard our blood in your defence." Such language would indeed have been most ungenerous towards our allies, and most unworthy of the spirit and general feeling of this nation, in support of the Spanish cause. What had this country to do with the prudence or imprudence of the Spaniards adopting the system of warfare laid down in the "Precautions?" Whether Spain was to contend against France in irregular warfare or by regular war, was a matter for her own option; and she had at that time made her option for regular war, and for giving battle to her enemies in the field. It was, therefore, the duty and policy of this country to support her cause in the same manner. The speech of the right hon. gent. was rather of a prudent cast, and not in that animated stile, in which another right hon. gent. (Mr. Sheridan), had, in the last session, represented the aiding Spain as paramount to all other duties. The right hon. gent. who spoke this night, seemed to think it was very improper and imprudent for a British army to enter Spain, without having some cautionary towns and forts surrendered to us, to secure our retreat in case of calamity. For his part, he knew of no town of that sort which could be surrendered, except Cadiz; for as to Ferrol, it was not a town capable of answering the object proposed, nor of protecting the embarkation of an army. Now, as it was evident, that if we were to make any operations at all, they must be in the North of Spain, he could not conceive that a proposal would be well received in that country for surrendering a town quite without the line of our military operations. If we had made such a proposal to that generous and high-spirited nation, he could not conceive that we could have thrown a greater apple of discord to disturb the harmony of cordial co-operation. As to another disposition of the forces which had been mentioned, that of sending sir Arthur Wellesley's force of 9000 men to the Pyrenees, to cut off the communication between the 60,000 French troops who were in Spain, and the rest of the 500,000 disposable troops, of which the right hon. gent. stated the enemy's army to consist, the bare statement of such a plan must convince the House of its absurdity. If the right hon. gent. had really no other advice to offer to the House and the country than what he had stated, he rejoiced that his majesty's government had adopted other measures. As to the complaint which the right hon. gent. had made of want of regular information, he could assure him, that it was his wish to lay before the House, as early as possible, every information that would not be prejudicial to the public service; and he was happy to state, that he saw no objection to the fullest information being granted with respect to the transactions in Portugal, one of those topics to which the right hon. gent. had promised to call the attention of the House. He also thought, that very shortly the fullest information might be given with respect to our operations in Spain; and he was sure, that when the time of discussion should arrive, he would be perfectly ready to meet the right hon. gent. either upon the principles or upon the details of the question. As to the idea which had been thrown out, of the propriety of directing our forces to Spain in the first instance, instead of Portugal, he must say there never was a fallacy more absurd than the idea of a very inferior force occupying the passes of the Pyrennees, and cutting off entirely the communication between two armies infinitely superior. This fallacy seemed to arise from the idea that an army, when once landed, could put itself on march the next morning, to attack the enemy. There were some persons who appeared to think that an army once landed could act as speedily as a ship when it has left the port. The difference, however, was very great: the ship had nothing to do but to go with the wind, and meet the enemy; whereas an army when landed had much difficuly in collecting provisions, and the means of transporting their necessary baggage. If the present administration were, however, to have waited till every thing was ready for the reception of our armies, they must have stood as still as the last vigorous administration, who actually did nothing while in office.—He would venture to say, from the melancholy experience of the fate of general Blake's army, that if a British army had landed at St. Andero, and scrambled as far as gen. Blake advanced, none of them would ever have come back. He was convinced that there was not a single military man who would support the idea of a campaign in the Pyrennees, for a British army. The right hon. gent. had stated, that the expedition which had atchieved the deliverance of Portugal had been sent to sea, to seek its fortunes, without any particular direction from government. The fact, however, was directly the reverse, because, most unquestionably the expedition under sir Arthur Wellesley did sail with a most precise and determinate object. It had been ordered to go immediately to the Tagus, without stopping at Corunna. This direction was given in consequence of precise information received from sir C. Cotton, (which, however, afterwards turned out to be unfounded,) that there were no more than 5000 French troops in Lisbon and the other forts upon the Tagus, and that sir Arthur Wellesley's expedition would be sufficient to dislodge them. The expedition then had been sent out with a precise object, and with precise instructions, but it would hardly be contended, that government should have tied up the hands and the discretion of such a meritorious officer as sir Arthur Wellesley so completely as to say, that he must on no occasion take advantage of any favourable circumstances which might occur in the varying and fleeting fortune of the war, without waiting until he had made a direct communication to government upon the subject, and had received their answer. It appeared to him that floating armies, under the command of trust-worthy officers, might be of great service, even when acting according to the circumstances of the times, without any particular directions from government; and he was confident that in this manner the corps of gen. Spencer had been of considerable service in marching from Seville to Ayamonte, and stopping a portion of Junot's army that was coming to the relief of Dupont.—As to the attacks which had been made upon him for not having sent sufficient cavalry with the Expedition, he was ready to strengthen the right hon. gent.'s argument, and to admit, that it was only by accident that any cavalry at all had been attached to it. It was not supposed that cavalry was a proper description of force to send with those floating expeditions, which might be a long time at sea, before they found a favourable opportunity for landing. Some of the cavalry, however, which were in Portugal, had happened to come from the Mediterranean. He should always protest against the notion that we were never to engage an enemy, unless we were equal or superior to him in cavalry. He would ask the House, would they wish to blot out from the page of our history, those brilliant victories which we had gained when much inferior in cavalry? At the glorious battle of Alexandria, sir Ralph Abercrombie had but 150 dragoons, and the French had 2,400 cavalry; and at the battle of Maida, sir John Stuart had no cavalry at all. In the expedition to Portugal, the government had made sufficient provision even of cavalry. Our army would have been superior to the enemy in this respect, if the cavalry which was in Mondego Bay on the 20th (the day before the battle) had landed. The 18th dragoons were also very near. He would allow, however, that if sir Arthur Wellesley had had the cavalry on that day, upon which he routed the French, perhaps more completely than ever they had been routed on a former occasion, [Cries of hear! hear!] the result of that victory would have been still more glorious. Although he was free to confess this, yet he must entirely resist the idea of government having neglected its duty in any particular. He believed the House must now recollect what was the temper of the country at the time that there appeared a delay in the sailing of the expedition under sir A. Wellesley from Cork. Whatever was the enthusiasm which prevailed in the public mind, for the immediate co-operation with the Spaniards, ministers would have been much to blame if they had not acted upon the information which they received from sir C. Cotton of the state of Lisbon and the forts upon the Tagus. He could assure the right hon. gent. that for his own part, after having been attacked for four or five months upon this subject, in a mode, that he certainly had not resorted to to defend himself, he should be extremely glad to have an opportunity of making that defence for himself and his majesty's government, and that the fair case should be laid before parliament. He could assure the right hon. gent. also, that although his sagacity might enable him to lay his fingers on some fault in the present government, yet he felt confident that his majesty's ministers could prove to the satisfaction of the House and the country, that they had not been negligent in the great trust which had been reposed in them: and no greater personal favour could be conferred upon him than in giving him the opportunity of defending those measures for which he felt himself so highly responsible.—As to the inconsistency which was stated between the disapprobation of his majesty of some parts of the Armistice and Convention, and the joy which his ministers had manifested in the usual manner, on hearing the news of the evacuation of Portugal, he thought this was a charge which might be easily explained. He believed, that every body had heard with joy the brilliant victories of our army, and the delivery of Portugal from the oppression and tyranny of France. If the right hon. gent. himself did not feel joy on those topics mentioned in the Speech, he could not conceive upon what grounds he had concurred in the Address. If, upon the receipt of the news of the deliverance of Portugal, ministers had not thought it proper to announce the intelligence by the usual demonstrations of joy, their silence would have been considered unfair with respect to the generals who negociated the Armistice and Convention. It would have appeared as if the whole weight of ministers and of his majesty's government was against them. It was not at all extraordinary, that his majesty's opinion on a question submitted to a military tribunal, should not be expressed in his Speech from the throne; but if the right hon. gent. chose to seek information in another manner, it would not be difficult to obtain it. As to the Answer which had been given to the Address of the city of London, he believed the right hon. gent. would find it very hard indeed to persuade the city of London that his majesty's ministers were actuated by any other view in the advice they gave his majesty on that subject, than the sense which they felt of their public duty; and much less that they could have any wish to use language to the city of London which could be conceived harsh or irritating. They did, however, think, that the business had begun to take a complexion of party, and that the city of London had been surprized into that Address, which appeared to take for granted, that there must have been guilt somewhere, and to demand the punishment of the authors. The Answer was in plain but not disrespectful language; and in using such language, his majesty conceived that he was taking the best means of securing the confidence of that city, which had given him so many proofs of its affection. —As to the intention which the right hon. gent. had intimated of bringing forward for separate discussion all the topics upon which he had touched, nothing could be more gratifying to his feelings, than that those subjects should have the fullest discussion in parliament. This was necessary, not only for the justification of ministers, but that the country should feel the confidence which it was necessary that they should have, in the present critical situation of affairs. He therefore congratulated the country that parliament was now met, and that those subjects which were so interesting to the feelings of the nation, and to its honour, would soon be fully and fairly discussed.

Mr. *Whitbread* said it was not his intention to go into a general view of the subject which was before the house, upon the Speech from the throne, nor into all the topics that had been brought forward by the noble lord who had just preceded him, a great part of whose speech had been taken up in planning imaginary campaigns, in order to shew how ridiculous they would be. But there were some points to which he could not help adverting; and, first, as to the Convention of Portugal. He wished the house to be quite sure it understood what it was called upon to do in voting this Address; because, from the speech of the noble lord, it appeared, that we were congratulating the throne for that Convention; and as far as it embraced the consideration of the valour and the skill of the gallant officer who commanded, and the steadiness and courage of the men who fought at the battle of Vimiera, the house had indeed good reason and ample matter for rejoicing—it was in that view of it, an event which filled every heart with joy; but when the terms and conditions of that Convention were considered, it presented another side of the picture, in which there was nothing to be seen but humiliation and disgrace. The noble lord had asked, what, shall we not rejoice at the event of the battle of Vimiera, which caused the evacuation of Portugal by the French? Yes, he was as ready as the noble lord was to rejoice at that event, and to agree to an Address expressive of that feeling; but he could not agree to that in an unqualified sense, nor indeed did that seem to be expected from the throne, from the manner in which the Speech of his majesty, delivered by the commissioners this day, by the royal command, was worded: for by that speech his majesty himself regrets the termination of the campaign in Portugal, and states that some of the articles are of a nature, of which his majesty has expressed his formal disapprobation. Then, he wished the house to consider the state in which it stood at the present moment. It was called upon to rejoice at the termination of a campaign which had been preceded by a Convention, some of the articles of which had met his majesty's disapprobation; and this was the more perplexing, since these articles which had thus, and no doubt justly, met the royal disapprobation, were not laid before the house.—The noble lord had said, that the city of London had been mildly and moderately reproved for condemning, without information, the terms of the Convention. Not to speak of the mildness or moderation of the reproof, he must say, that it was extraordinary, that precisely the thing for which the city of London was reproved, parliament was now called upon to do. [Cries of hear! hear!] They were then called upon to concur in that part of his majesty's speech, which expressed disapprobation of some of the articles of the Armistice and the Convention, without any information at all upon the subject being before the house. It appeared to him, that no inconsistency could be greater than that. He should not go into a discussion of the details of the equipment of the expedition; but common rumour reported that there was a difference of opinion between the government and the commander in chief upon that subject, and that the latter asked in vain for cavalry horses and horses to draw his artillery, and was finally obliged to buy many of them at his own expence. He could not help noticing and condemning the light and fanciful manner in which the noble lord spoke of our campaign in Spain. When it was considered that one of the greatest armies which this country had ever sent into the field was now in Spain; that it was under an officer of the first merit in his profession, possessing the confidence of the government and the country, and that, nevertheless, it was under the necessity of retreating; when it was considered, that news had arrived this very day of Buonaparté, with an army three times superior, hovering near it and threatening its right wing; and when it was also considered, that perhaps before the house should break up that night it was not improbable, that intelligence might arrive of still greater calamities, he did not conceive the noble lord was justified in talking so lightly of our operations in Spain.—He must declare, that the country was now coming to that state, whether by the mismanagement of ministers, or by the force of events, that party-considerations must cease [cries of hear! hear!] The hour would, however, come, when the house should call on ministers to render an account of the use which they had made of the immense power which had been put into their hands,—power, which, perhaps, if wisely used, might have had the most glorious events. He should rejoice much to find that ministers could clear themselves from any charge of mismanaging the resources of the country, and prove that all the disasters which had recently happened, had proceeded only from that course of events, which was beyond their control. If, however, these disasters should appear to proceed from the misconduct of ministers, he thought the house should demand condign punishment on their heads. He could not blame the ministers for sending a British force, in the first instance, to co-operate with the Spaniards; but since then they had had time enough to consider, whether the sending of a British army into Spain was likely to be of any service; or whether, on the contrary, the retreat of it would not do a positive mischief, by disheartening the Spanish Patriots. It was now doubtful whether we had not been proceeding on false information all along, both with respect to Spain and Portugal. Were our troops agreeable to the people of Portugal, or were we not obliged to keep a certain force there, for the purpose of keeping the people quiet, that is, to strike terror into our friends instead of the enemy? Were our troops, or were they not, welcome to the people of Spain? He had reason to doubt also that fact. It was fit that the country should know it, and he was fearful that a multitude of Spaniards wished success to Buonaparté, rather than to us. We were not now so sure as we formerly thought ourselves, of the feelings of Spain; we were not perfectly content with the reception which we had met with in the different provinces of that country. The marquis de Romana complained of the reception which the inhabitants of the north gave to the French troops, which made it seem as if they would be well content that the French should conquer. Although we must condemn the ambition and injustice of Buonaparté, in his attack upon Spain, yet the means which he pursued for the attainment of his object were extremely judicious. He abolished the Inquisition, feudal rights, and unequal taxation. This was certainly holding out some temptation to the people to acquiesce in the changes which he wished to introduce. Buonaparté's promise of amelioration had unquestionably produced a great temporary effect, although he might do as he pleased hereafter, and was likely enough to be faithless to his promise: in the mean time, the promise had the same effect as if he were sincere in it, since the people believed that he would ameliorate their condition; whereas, the government of England was not connected with any thing like a promise of the reform of any of the evils of the old government, nor with any thing like an amelioration of the condition of the people of Spain. He knew he might be accused of a feeling which he did not feel most assuredly, that of a wish to aid the cause of the enemy by these observations, by raising a clamour against the war, but he must take upon himself all the inconveniences of that risk by stating these things; he felt it to be his duty to state them on the first day of the session, and to speak out as he felt.—As to the Address, there were some parts which had his concurrence, and some which had not, although he did not mean to move any amendment. He had no objection to that part of the Address which pledged the house to support his majesty in persevering in a vigorous prosecution of the war, although he thought that unnecessary, because every war must be prosecuted with vigour until there was an end of it. No man was more desirous that himself to prosecute it with vigour, and therefore that part of the Address had his cordial concurrence, not only in contemplation of war, but on the eve of a negociation for the purpose of obtaining a just and honourable peace. But, if it was to be understood, that, by such an approval of the Address he was to be pledged to any thing like a *bellum ad internecionem,* he must not only dissent from, but protest against, it. God forbid that we should abandon the Spanish cause while it was possible for us to support it with any prospect of success; but he was far from being sure that the time might not come when we shall have to treat with France after she shall totally have subdued Spain. He, by no means, condemned ministers for not accepting the propositions sent from Erfurth, as there was no man in the country who could admit of the abandonment of Spain as a preliminary to peace; but what he found fault with was, that the country was apt to run wild with every gleam of good success. When the Spanish Patriots were successful last summer, nothing was spoken of, or thought of, in this country, but the utter ruin of Buonaparté: and many politicans of the old school were thinking even of the divisions into which France was to be cut up. It was miserable for the country to be led so far by every tide of good success. He was tired of the vaunting expressions which he had been used to hear in that house for the last sixteen years, about the destruction, followed as they uniformly had been by the aggrandisement, of France. Even if the Spaniards had driven the French out of their country, they could have done but little more against the overgrown power of France. He recollected, that at different periods of the war, it had been said that England would never make peace unless this thing and the other was given up by France, and yet we afterwards were ready to treat with her, allowing her to retain her acquisitions. A few weeks after a negociation failed, we were always ready to call the man, with whom we had been content to negociate, an atrocious usurper. He thought that ministers were not only justifiable in refusing to treat on the terms offered at Erfurth, but that they would have been the basest of mankind if they had accepted such a preliminary. He could not, however, avoid regretting that the country had lost so many fair opportunities of negociating a peace, and that it had at length been reduced to such a foul opportunity, that it could not have accepted without eternal disgrace. The reason that he did not approve of the treaty with Spain was, that England was bound by the engagement she had entered into to do all she could to assist Spain if there had been no treaty, and she could not do any more after the treaty. She would, however, appear somewhat disgraced in the eyes of the world, by entering into a solemn treaty which she had no means of fulfilling. As to Sweden, whatever we might feel of advantage from the trade we have through that country, he was sure it would be much better for the poor inhabitants of Sweden and Finland that our subsidy of £100,000 per month was removed, and that they were allowed to make such a peace as was suitable to their interests. As to the firmness and magnanimity of the king of Sweden, they were qualities fruitless to us, fruitless to the cause of Spain, and perhaps ruinous to his own subjects. This last consideration detracted considerably from their merit. He would, however agree that it was necessary for us to furnish the succours stipulated in the treaty. With respect to the manner in which sir John Moore was under the necessity of retiring from Sweden, he had no doubt that gallant officer had reasons which would fully justify him in the eyes of all the world, but there was about that transaction a mystery, which it would at some time or other, he should hope, be convenient to reveal.—Upon the improving state of our revenue he could not but feel satisfaction; yet whilst expressing that satisfaction he must be permitted to observe, that the improvement of the revenue was always attended with an increase of the influence of the crown, and with an increasing corruption of the country.—He could have wished, that in the speech some intimation had been given that the Report of the Finance Committee would have been taken up, and if so, whether some retrenchments might not be made. If this were done, the country would pay with more satisfaction what was absolutely necessary. He should wish to hear from some minister that that committee was to be revived, and who were the men that were to compose it. At least, he should hope, that a set of men would not be placed in it for the purpose of counteracting the labours of the others. If this were done, it would gratify the people, if it could not relieve them. He hoped and trusted that this session of parliament would be distinguished by a vigilant attention to the expenditure of the public money; and that if new burthens were to be imposed, the people might at least have the consolation of knowing that abuses were corrected.—He did regret that nothing had been mentioned respecting our relations with America. The same infatuation seemed now to prevail with respect to that country, that existed in the time of the late American war. There were the same taunts, the same sarcasms, and the same assertions, that America could not do without us. He must deprecate a war with America, as being likely to be much more injurious to us than to them. The right hon. gent. (Mr. Canning) had to a proposition most just and reasonable (as appeared to him), returned such an answer, that accommodation seemed at an end, and the American legislature almost unanimously resolved upon shutting all their rivers and ports against our trade. He most forcibly deprecated the idea which some thoughtless persons were but too forward to propagate—which none, indeed, but thoughtless persons could entertain—namely, of a war with that country. Here the hon. gent. ridiculed with great severity the orders in council, and the effects which that measure was expected to produce. In spite of the want of colonial produce, notwithstanding the want of sugar, coffee, and jesuit's bark, the French armies had marched without leaving a single straggler, and the ruler of France had 200,000 men in arms beyond the Pyrenees, while ministers thought to break up his power, by depriving his subjects of the produce of the West Indies! He reviews his troops at Madrid, and they are found amply provided with every necessary. At a period so awful as the present, our relations with America were not even alluded to. Let us heal the hostile feelings of the two countries before it be too late. Turkey also was quite left out of his majesty's speech; a country at present in great commotion, and always in a state of turbulent imbecility. It was surely of importance to know whether that country was to maintain its shadow of independence, or destined speedily to fall into the hands of France. He regretted that no information had been given on the points which he had mentioned, and concluded a very able and argumentative speech by observing, that though there were several parts of the Address of which he disapproved, yet having specified these, he did not think it necessary to divide the house on the subject of that Address.

Mr. Secretary *Canning*, in reply, remarked, that the hon. gent. in the same breath in which he told the house, that the present crisis ought to be peculiarly exempt from political party feeling, intimated that ministers should be put upon their trial, and that they probably deserved condign punishment. For his part, he was not aware that this was the light in which he and his coadjutors stood. Certainly his majesty's ministers stood in a situation of responsibility, but not of culpability. They had done their duty in following up the feelings of the country, and in using the means intrusted to them in support of that great cause which had excited those feelings; if there should be failure, that failure would not be the result of accidental or intentional omission on their part; and the hon. gent. had shewn that he and his friends had not agreed on the principle of their accusation. He had heard only two of the Committee of Accusers, and he confessed, that if before the rising of parliament last session he had had the advantage of hearing the opinion of those two, and of reading the pamphlet attributed to one of them, instead of an increase of light, he should have experienced an increase of perplexity.—The hon. gent. who had just spoken, echoing his published opinion, (if it actually was his, of which he sometimes doubted,) seemed to consider the course to be pursued by government so plain that they could scarcely do ill by going wrong. The other hon. gent. on the contrary appeared to think that no step ought to be taken without the most mature deliberation; that whatever was done in haste must be done erroneously, and that it was the duty of ministers to hesitate and resist the impulse of popular feeling, as unequivocally and consentaneously expressed by every class of the community. But ministers had adopted a line of conduct, which, though not consonant exactly to the recommendation of either of these gentlemen, would, he trusted, be found preferable to the plans of both. Keeping in view the consentaneous and ardent feeling of the nation in favour of Spain, his majesty's ministers reserved to themselves the consideration of the most eligible means of applying the national resources to the object in view, taking care to proportion the aid to the necessity.—As to the propriety of deliberation, so much insisted upon by the right hon. gent. on the other side, the position was undeniable. The right hon. gent. was right in his principle; but he seemed resolved to atone for that rectitude by being exceedingly wrong in its application. The state of the case called for prompt exertion, and with that call ministers thought it their duty to comply. The right hon. gent. had stated that he collected the facts upon which he argued, from the newspapers. But here he was under a mistake. For it appeared that wherever he found his facts, it was only his arguments that were collected from the newspapers, in which they were to be seen, and pretty nearly too in the same order in which the right hon. gent. had just delivered them. The right hon. gent. was under another mistake also, for he confounded the system of precautions issued by the Junta of Seville, in July, with the arrangements made by the Central Junta, which was not established until the last week in September. Here the right hon. gent. would, in fact, have had his majesty's ministers to act upon the recommendations of an Assembly possessing by no means a paramount authority, and in pursuance of such a principle to send a British army to another province where such authority was not recognized. It would be recollected that, although the whole Spanish nation simultaneously rose in the same cause—that, although unanimous in favour of the same object, they formed themselves into different bodies, under distinct governments, each watching the other, and as it was natural, each retaining its own authority and anxious to draw to itself as much power as possible. From these several Governments communications were made to this country. The first which applied for aid were the provinces of Asturias, Galicia, and from Seville. The question which ministers had to consider upon such applications was this—whether they should promptly grant the aid required, or by delaying until the Central Government (the propriety of establishing which was at once obvious) should be formed, expose those separate bodies, unarmed and unaided, to the attack of the enemy, and thus prevent their union altogether. From this consideration, ministers complied with the requisition of the Spanish Deputies, and every disposition had been manifested to supply all the Juntas with arms, with money, and with every means of military support; though it was not deemed desirable at first to send out an armed force in aid of the separate efforts of the respective Juntas. The policy was obvious of not hazarding a British army in Spain, until the force of the country should have been called forth and organized in such a manner as to cooperate with it, because there could be no other chance for the security of such an army from the danger of being overwhelmed by the superior numbers and strength of the enemy. It was from this source, that all the misrepresentations had arisen, which had constantly appeared in the public prints, from which the right hon. gent. had taken all his arguments, upon the subject of the demand of cavalry by Spain. Unquestionably the Juntas of Gallicia and Asturias had applied for reinforcements of British cavalry; but the answer that had been uniformly returned was, that a British army would be sent to their support, but that it was intended that it should act in mass, and under a British commander. It was not thought advisable to send a small detached force of cavalry, to eke out the army of Blake, or of Cuesta, to send to them that which "not enriched "them, and might make us poor indeed." An army was to be sent to their assistance when they should have opened a theatre for it to act in. Was it any thing disheartening or discouraging to the Spaniards to tell them, that when they should have called forth their own forces, or established some general system of government, they should have the support of a British army? From this circumstance also had arisen the various mistatements respecting the delay of the advance of the British army from Portugal, as if that had arisen out of the circumstances of the Convention. The fact was, however, that the Supreme Central Junta had not been installed till the last week in September, and as soon as intelligence had been received of that event in this country, the expedition under sir David Baird had been ordered to sail, and a communication made thereof to the Junta of Gallicia, and the Supreme Junta, requesting an order for permitting the troops to land in Gallicia. This communication had been made in the week, in which the change of government had taken place, and to that circumstance was owing the delay of ten days in the transmission of the order, which had been made the ground of so much accusation here. But if government had waited till the answer to this communication, and a foul wind, which would be favourable for its arrival, but unfavourable for the sailing of the expedition, should in the mean time spring up, to delay the progress of the expedition, then indeed would there have been serious ground of charge against his majesty's government. What animated declamation, or rather what animated quotations, would not the right hon. gent. have produced to the house if the newspapers had taken up, as they certainly would have taken up, the discussion.—It was then unnecessary for him to go into a greater length of detail, as the question would again come under the consideration of the house; but he could not avoid touching upon these points, in addition to what had fallen from his noble friend, and in order to shew that every change of wind had not produced a change of councils, and that if the cause should unfortunately not terminate as all good men wished, it was not the fault of England. The cause was in that hand in which rested the decision of every thing in the progress of human affairs, and however it may please Providence to dispose of it in the end, it was desirable to know that no human means had been omitted to promote a prosperous issue. The right hon. gent. had said, that in affording assistance to the Spaniards, we should have met Buonaparté upon his own terms, but he could not agree in that opinion, because he could not think it right to rule the country, we should go to assist, as a dictator. Though we were blessed with a Constitution justly dear to us from the inestimable rights it conferred upon us, we were not therefore to hold cheap the institutions of other nations, because they had not yet ripened into that maturity of franchise and freedom which we enjoyed; neither should we convert an auxiliary army into a dominating garrison, nor, whilst openly professing to assist the Spaniards, covertly endeavour to impose upon them those blessings, of which they must themselves be the best judges. In the last session they had all appeared to be agreed, that, in any event, (indeed in case of the success of Spain it was not of any consequence,) they should make it impossible to be supposed, that the assistance of this country was given with any sinister view. He had no doubt, if they should succeed, that the Spaniards would certainly be happier, and he trusted freer than they had hitherto been; but that happiness and freedom should be of their own choice, and not of our dictation. By a proclamation, issued by the Supreme Junta, on the day after their installation, calling upon all literary men to contribute their assistance with respect to the best laws to be enacted for the benefit of the state, it appeared, that the Central Junta was not indifferent to the amelioration of their constitution. But, if the suggestion of these good laws was to accompany, or be coupled with, a subsidy, he doubted much whether it would meet with consent, but sure he was, that the Spaniards could not but dislike laws dictated at the point of the bayonet.—As to the question respecting the military principle, whither the first landing ought to have been made in Spain or Portugal, he should only say, that it amounted to this, whether, as the Central Junta had not been established till September, it was prudent or politic to wait from July till September before the expedition should have been sent out. Though his opinion could be no authority upon the subject, his conviction was, upon the pure military consideration of the case, that the course adopted was most expedient. If we looked to Portugal, and considered that country and Spain as one and the same, we should be convinced that the Tagus, and not St. Andero, was the point to which the British army should have been sent; others may be more bold and enterprising in their plans, as well as have more of talents and ability to carry them into execution; and if the right hon. gent. would look to the authorities from which he had drawn his arguments, he would find a very bold plan of operations had been lately suggested in one of them, no less than to land a British force at Bilboa, and to march directly to besiege Pampeluna. If the right hon. gent. should approve of this plan, he was sure he would not have any other support for that opinion in this country, than the file of the newspaper in which it appeared (a laugh).—Another fault had been pointed out by the hon. gent. in the conduct of his majesty's government towards Spain, for having concluded a treaty with the Central Junta, which he considered superfluous and unnecessary, in as much as the previous engagements were to the full as binding upon this country, as any treaty could possibly be. In this opinion, however, he differed from the right hon. gent. who had spoken earlier in the debate, according to whose doctrine no engagements, contracted upon the bare authority of the government, could possibly be as obligatory, as a treaty sanctioned by the assent and approbation of parliament. Differing as he must from both, as to the policy and propriety of the treaty, he was rather inclined to the opinion of the hon. gent. who spoke last, as to the equivalence of the obligation in both cases. But it would be recollected, that, in the last session, the whole house, as well as the whole of the nation, was agreed, that every effort should be made in support of Spain, and every necessary engagement entered into, that could tend to promote the success of the noble struggle in which that nation was engaged. Yet, whenever it became necessary to add solemnity to such serious engagements, (though a distinction had lately been attempted to be made between a *solemn* and a *serious* promise, a distinction of which he could have no conception) that solemnity was only to be imparted to our engagements by the forms of a regular treaty. But though we were bound by our simple engagements, there were other parties who would take advantage of the absence of the sanction of a treaty; and it was the more desirable that we should in any future discussion meet them with, instead of the sympathy of engagements, the solemnity of an obligation. Another ground, upon which the treaty had been concluded, was, that, when one uniform government had been formed in Spain, by entering into a solemn treaty with that government, we might by the sanction of our recognition induce other powers to follow our example. Besides, no man would contend, that the refusal by us to enter into the treaty would not have been taken advantage of by Joseph Buonaparté to forward his designs upon Spain. He hoped, that it was not necessary for him on that occasion to go farther into detail upon these general points; but he must be permitted to add, that as these were the principles, upon which his majesty's servants had acted, and as these principles had received the sanction of parliament, neither he nor his colleagues would be considered as culprits, nor as suffering under an accusation.—There were one or two other points in the speech of the hon. gent. which he thought it necessary to touch upon, the first of which was, the charge of the omission of America in the Speech. He could tell that hon. gent. that the ground of that omission was, that no change had taken place in the relative situation of the two states since the last session of parliament; and he always understood, that unless some change of relations should have taken place, it was not the practice to make particular mention of any state in the Speech at the opening of the session. But he had no objection to give the right hon. gent. every information in his power relative to that question. The right hon. gent. had made it matter of charge, at least so far as he felt himself informed upon the subject, that the late offer of compromise from the American government had not been acceded to. Yet the right hon. gent. seemed to state the case much more ingeniously for America, than the government of the United States did, having stated it as between America and this country, whereas, he should have stated it as between neutral and the belligerents. If the case were to be considered as between the government of this country and America, then the difficulty was an inheritance left to the present by the late ministers; for the complaints of America were derived from the acts of the late as well as of the present ministers; and he wished gentlemen not to suppose that the Orders in Council, issued by the present administration, had been the cause of the embargo. It had been so argued, hypothetically, last session, but it was now a notorious fact that no such ground had been laid for the embargo. The Order in Council of the 7th of Jan. 1806, issued by the late ministers, made a most conspicuous figure in all the remonstrances of America, and as a prominent ground of the embargo. At the time the application for a compromise had been made by the American government, there was an order in force excluding British ships of war from the American ports, whilst French ships of war were admitted into them; and consequently if the terms offered by America had been accepted, our commerce would have been permitted to America without a ship of war to protect it, whilst the French commerce would be excluded, at the same time that French ships of war would be admitted if they could succeed in getting there. The ports of America would thus become so many nests for French privateers against British commerce.—As to the tendency of the measures in agitation in America, he could afford the right hon. gent. some consolation, by assuring him, that they would not have all the ill consequences he seemed to apprehend. A circumstance appeared by the Report of the committee of Congress, though clothed in hostile language, which, if made known to his majesty's government in amicable terms, might have led to the acceptance of the terms proposed. The circumstance he alluded to was the resolution for excluding from American ports the ships of war not of Great Britain alone but of the belligerents. The Americans, in their character of neutrals, had unquestionably a right to exclude the ships of war of both belligerents from their ports, but could not confine their exclusion to those of one of the belligerents without a violation of that impartiality which is the essence of the neutral character. Yet, when that proposition should be disposed of, the whole of the difficulty would not be surmounted; as much would still remain to be accommodated.—Another point, in which fault had been charged upon his conduct with respect to America, was, his having stated, that the system would not be given up whilst the smallest link of the confederation against Great Britain existed. It was somewhat extraordinary to hear such an accusation from those, who last session complained of the orders in council as a grievance affecting America alone. Now, when the belligerents were diminished, it was asked, what was the ground, upon which the orders in council were to be continued; and the right hon. gent. upon a supposition, that the belligerents were reduced to France and Holland, triumphantly demanded what would become of these orders in council in that case? To this he had a short answer; if our enemies should be reduced to France and Holland, why let the orders be still continued against these powers. But he would ask, whether, if, when the number of neutrals increased, the orders in council were repealed and taken off, it might not then be charged, that they had been originally issued against America only. There was another country too, in the state of which the right hon. gent. had expressed a considerable interest, Turkey, upon which, however, unfortunately he had no opportunity of communicating any information. He could only say, that in April last, an overture had been received from the Turkish government inviting us to a renewal of the negociation; upon which, instructions had been sent out to a diplomatic gentleman, Mr. Adair, then in the Mediterranean, to proceed to Constantinople. The instructions crossed him on his return, but he was immediately dispatched from this country. Of the effect which the late calamitous events at Constantinople might have upon the sentiments of that government, he could not speak with any correctness, because no accounts had been received from Mr. Adair, since he sailed from Malta, in September last.—The right hon. gent. had particularly adverted to Sweden. On this point he could assure him and the house, that if ever the period should arrive when Sweden could make peace with her enemies, no consideration for retaining an ally in order that we should not appear to be altogether deserted, no regard to national interests or honour should be suffered to interfere with that desirable object. These were not new opinions with him or his colleagues, but opinions, which they equally entertained last session, though the hon. gent. would be aware of the delicacy which prevented them from making the avowal before. But he could assure the house that neither then, nor now, nor at the time of the overtures from Erfurth, were his majesty's servants inclined to throw any impediments in the way of the monarch of Sweden in making any peace, that would be satisfactory to himself or beneficial to his subjects.—Another point upon which the right hon. and hon. gentlemen had animadverted with severity, was the termination of the campaign in Portugal, which they represented as disgraceful, as if they addressed people who were called upon to answer these charges, or as if his majesty's ministers were obliged to hold any opinion upon this question, other than that avowed by the hon. gentlemen, if such a view of the case appeared to them to be just. They had thought it their duty to take care, that justice should be done to dignified and honourable men, and when the subject should come to be discussed, the gentlemen opposite would find them ready to state, without colour or disguise, the sentiments they entertained upon a transaction that had disappointed the hopes of the nation. The right hon. secretary then congratulated the house upon the temper with which the campaign in that house had commenced, and concluded by observing, that if it should be continued in the same spirit, it would be most conducive to the progress of public business and national interests.

Mr. *Tierney.* I cannot help doubting the sincerity of that congratulation of the right hon. gentleman on the moderation of his opponents this night, but I hope that will not be any inducement to gentlemen to give up any points which are necessary to be discussed. I totally deny that my right hon. friend (Mr. Ponsonby) said, "that ministers were to-night put upon their trial," but as the right hon. gentleman seems to think that they ought to be put upon their trial, I have no objection so to take it: but he seemed also to be conscious that in that event he was to be brought before a jury of his own packing, or he would not have been so pleasant on many of the topics which he touched, grave and even awful as some of them were. Whenever that right hon. gentleman rises in his place, the muscles of the House relax, and the smiles of the surrounding members attest the expectation they entertain of being amused by the jokes of that right hon. gent. I too might employ some jokes if I could think it decent to treat the grave, awful, and important subject under consideration with such levity; but that, unfortunately, as I have not the reputation of a wag, my jests would be lost on the House. The right hon. gentleman has applied some of his pleasantry upon the sources whence my right hon. friend has taken his arguments; but wherever my right hon. friend has found his information, whether he has taken it from the newspaper or from pamphlets, I trust he will not discontinue the practice whilst he can make it the foundation of such an unanswerable argument. The right hon. gentleman has insisted that the course which the government of this country has taken, with regard to the affairs of Spain, was correct; for that we could not proceed to afford efficient assistance to Spain in the first instance, because there was in Spain no supreme government or authority, with which the government of this country could have any connection. Here the right hon. gentleman found fault with my right hon. friend (Mr. Ponsonby), much more than he was justified in doing; for, although in point of strictness, there might not at that time have been in Spain a Supreme Junta, yet we know that the Junta of Seville had, in conformity with antient usage, assumed the supreme government of Spain; and we also know that the general understanding in Spain is, and always has been, that Seville is the Central or Supreme Government of Spain on all occasions, when Madrid, the capital of the kingdom, is in the power of the enemy, and so I believe it was stated by general Spencer in one of his dispatches. But the right hon. gentleman insists, that it was improper to send troops into Spain until the Spanish nation had formed a central government or Supreme Junta; and, that no army of ours could co-operate with them until a regular government was established; that our army (as he stated to the Spanish deputies) could not be permitted to be frittered away in divisions, but must act in one collective mass, under a commander of its own—that no Central or Supreme Junta was established in Spain until the month of September, and, consequently, that we could send no force to assist them before that period. But it was thought proper to send money, arms, and military stores to them all. This I look upon as a prodigal waste of the public money. When ministers had sent large sums of money to the different provincial Juntas, they should have taken care, that the money was applied to military purposes only; and Spain could not have taken offence, if, when we were assisting her with our money, persons had been sent out to see that it was applied to the purposes for which it was intended. The right hon. gentleman has stated, that it was the intention of his majesty's ministers to send out a British army to Spain, on the establishment of a Central Government and not before. It would surely be in the recollection of the right hon. gentleman, that this resolution must have been formed so early as July. Now, sir, it so happens, that in the month of July sir Arthur Wellesley tendered to the Spaniards 10,000 men, and I am as much bound to believe sir A. Wellesley, on a military subject, at least, as I am bound to believe the right hon. gentleman. Thus the house will perceive, that what the right hon. gentleman has stated as his defence on this part of the subject, is one of those arguments in which there is unfortunately no proof whatever. It is, indeed, a very good defence, inasmuch as it is very eloquent: but inasmuch as it is deficient in one part of a defence, which the right hon. gentleman's friend (Mr. Perceval), who sits near him, will tell him is considered as an indispensible requisite, namely, truth—it is an unavailing and untenable defence. So much for the fact as to the time of our offering assistance, and also of our refusal to fritter away our force in divisions, or to act upon any other principle than that of a concentrated mass of our disposable force. The right hon. gentleman has had the modesty to confess that he is not a military man, and that he takes his opinions from military men of high authority. Now, sir, as far as matter of opinion goes, I have no difficulty in stating, that I also have conversed with many military men, and those too of no mean authority, on the subject of our entering Portugal, and I do solemnly declare, that I have never met with one military man who ventured to assert, that an expedition to Portugal was, or could be, of the least service to Spain. Now, sir, seeing that the total inconsistency and miscarriage of the military plans of the right hon. gentleman have not been inferior to the futility of his defence this night, I cannot help advising the right hon. gentleman, before he undertakes another expedition, to pursue a different course, and to consult some other high military authorities than those by whose advice the expedition to Portugal was undertaken. The very judicious reference made by my right hon. friend (Mr. Ponsonby) to the prudent conduct of the ministers of our great Elizabeth, when England assisted the Dutch in their contest for liberty, excited at once the indignation and sarcastic jocularity of the right hon. gentleman. What, said he, would have been the feelings of Spain had we demanded pledges of their sincerity and fidelity? Could there have been a proposition more insulting to the feelings of the Spanish nation?—But granting (continues he, with triumphant levity) that this argument were good; have we ~~not~~ secured the very object of your accusation? have we not Lisbon? if cautionary towns are deemed requisite—is there not Lisbon on which you can retreat? The inhabitants of that city, impressed with gratitude for their deliverance from the French, will receive you with open arms. On this subject, I hope the right hon. gentleman is well-informed. What is the view of men in office in Lisbon, he necessarily knows better than myself; but what the disposition of the people of Lisbon really is, I think I have as good means of knowing as himself. And from those means I do assert, that the people there do not hesitate to declare that they do not like the English.—But of this argument, as it is termed by the right hon. gentleman, of retreating upon Lisbon, even if it were admitted that the inhabitants would receive our army with open arms and grateful hearts, I will dispose by one single question—Will the right hon. gent. assert his credence that any man thinks it now possible for the British army to march to Lisbon? The right hon. gent. has, it seems, with all his military information and acknowledged want of military talents, triumphantly announced the prudent retention of a cautionary town for a point of safe retreat, to which there is only one slight inconvenience attached; namely, the utter impracticability; I perhaps should be justified in saying impossibility, of reaching this same cautionary town—this prudent point of retreat. So much then for the fruitless attempt of the right hon. gent. to shake the sensible and solid argument of my right hon. friend on this point. At length, however, after having secured this safe point of retreat, ministers proceed to the formation of that mass of force, in which alone the Spaniards were told our military power could be exerted in their favour, and a part of this mass, that was not to have been frittered away in divisions, arrived at Corunna, many hundred miles distant from this safe point of retreat, under the command of sir David Baird. The Spaniards shewed no great alacrity in receiving that army, from what cause I cannot pretend to say, but certain it is, that no arrangement whatever had been made by our government for their reception in Spain, nor was it until the authorities at Corunna had received directions from the Junta of Seville, that our troops, after having been kept for many days cooped up in the transports, in the harbour of Corunna, were permitted to land; and even then, they were restricted to the daily landing of 2000 men only. Thus, sir, we had, at last, one division of an army in Spain; and I am well assured that I incur no hazard of contradiction in asserting, that a more gallant body of men was never assembled. But, Sir, I will also assert, that of all the armies that have ever taken the field, that of which I am now speaking was provided with the very worst commissariat that ever was attached to any army. But had this commissariat, instead of being the very worst, been composed of a selection of the most experienced, intelligent, and active individuals this empire could produce, it would, nevertheless, have been wholly inefficient, for the commissariat was literally destitute of the means of performing its duty. It did not possess a single sixpence in money, and when the troops arrived at Corunna, they were supplied with those necessaries, which it was the duty and office of the commissariat to have provided, solely at the individual expense and on the individual credit of the officers of that army.—We are told, sir, that the expedition to Portugal was the most judicious disposition that could possibly have been made of our force, with a view to free the Great Peninsula from the armies of France;—and we have also been told, that it was the determination of ministers not to divide our force—of the futility of the first, and the inconsistency of the latter of these points, I trust I have already fully satisfied this House. But I very much wish to know, what was the definite object of the expedition to Portugal. Every circumstance connected with that luminously conceived and judiciously executed expedition, induces a conclusion, that the grand military plan of the right hon. gent. was originally acted upon, before it had attained maturity—for it seems to have been dependent wholly on circumstances; and, if sir Arthur Wellesley was not dispatched with a roving commission, he at least was furnished with extensive discretionary powers, as it was not until after his offers had been rejected by the Junta of Gallicia, and that he had declined the invitation of that of Oviedo, to which Junta sir Thomas Dyer, in a letter to sir Arthur Wellesley, says he had held out hopes of his landing at St. Andero, that he determined to land in Portugal. Now, sir, the British army under sir David Baird did not arrive at Villafranca until the middle of November. And when sir John Moore was dispatched into Spain, I should be glad to know what was the condition of things with respect to our army, and whether, when we entered Portugal, it was intended to make from thence a transit into Spain. The fact, sir, I believe is, that two whole months were wasted in consequence of the Convention of Cintra—from the 30th of Aug. to the 13th Oct. our army was locked up, and could not go to Spain by sea or by land. By sea you could not go, because the French had your transports: and by land you could not go, because the French troops could not be left behind in Lisbon; and thus by this expedition to Portugal you locked up 32,000 men for two months, while Bonaparte was hastening with accelerated velocity from the banks of the Vistula to those of the Ebro. I merely touch on this subject, and do not intend to argue it, because the matter must hereafter be fully discussed. There will be, I dare say, many subterfuges attempted by government, but they have now pledged themselves to meet the question fully and fairly, and I hope all the circumstances will be laid open to the public view, so as to enable the people of this country to judge of their conduct, and until that day arrives, I shall say no more on the subject. As to the treaty with Spain, the right. hon. gent. says, that there ought to be a public bond of union and connection between this country and Spain, and the right hon. gent. thinks it necessary for that purpose that we should enter into a Treaty. Now, I have only to observe that when that Treaty is produced it will require on the face of it some explanation. But there is another matter to be observed, which is that of sending money abroad, and entering into this Treaty without submitting it to parliament. What the ministers had done in July, in August, in September and even in October, I am not disposed to blame; but in November, when parliament usually assembled, to conclude treaties and send money out of the country without the authority of parliament involves the ministers in a heavy responsibility. Sir, if your opinion were asked on this subject, I think we should have, from the high authority of the Chair, an expression of surprize, if not of indignation, at the money of the people of this country being sent abroad without the knowledge of parliament. And here I cannot help observing at what past in the administration of Mr. Pitt, who had sent money to Austria without consulting parliament on the subject. Even he afterwards felt the impropriety of such an act, and so did the whole House; and one of his most intimate friends (Mr. Bragge Bathurst) moved, in this House, a Resolution that such a practice was not to be drawn into a precedent, which motion was carried unanimously; therefore, I say, I am entitled to complain even that we are now debating this matter. For we have now little more to do than to pass a bill to sanction the payment of money for the mismanagement of ministers. As to America, the right hon. gent. has referred to the letter of the American ambassador, and to his own answer; and were I to judge from them only, I should say that it was the intention of the right hon. gent. to exasperate and goad America to war, if I had not his authority to the contrary, for he assures us that it was not. The right hon. gent. is erroneous as to his facts on this subject, for America says, if you rescind your Orders in Council with regard to us, we will take off our embargo with regard to you. Here is a simple proposition of the American government, made to you the fairest that in the true spirit of conciliation could be made by one nation to another. It is conveyed in a letter from the American ambassador, Mr. Pinckney, and is dated on the 23d of August: to which the right hon. gent. gives no answer, good or bad, until the 24th day of Sept. Why did he delay his answer? Was he aware of what he was doing for France by that delay; for it afforded time to France to conciliate America? Why did he do this? Because, he says, time must be given to find whether France will revoke her decree or not. Now it would have been better for us that France should have refused to do so, because it would have secured to us the benefit of that inestimable blessing to this country—peace with America. We should then have been relieved from all apprehensions of a rupture with the United States. Well, says the right hon. gent. but this must not be done, because then we shall appear to make concessions to France. How so?—Why, the right hon. gent. insists that we cannot agree to any proposition made by America, for rescinding our Orders in Council, unless France shall consent to revoke her decrees. Now, by this principle, and by this doctrine, we are, and must for ever remain, at the mercy of France. We can never rescind our Orders in Council unless France shall consent to revoke her decree! that is, in other words, saying, that while France is perverse we must be obstinate, even though it directly militates against our interest, and against all rational policy and propriety of political conduct. This may suit the sentiments and feelings of the right hon. gent. but will it be an answer to the starving manufacturers of this country? Will he be able to satisfy them for their hardships because he is afraid of making what he calls concessions? Will this be an answer to those who complain of the price of bread, depending so much, as it at this moment does, on the want of importation of flour? The tone and essence of the letter of the right hon. gent. is, in fact, a mere descant on the ability of this country, to persist in whatever she thinks right. That is pretty good nonsense to talk to any body, at any time, but most of all it is nonsensical to talk such nonsense to America, towards whom we have before been in the habit of using our vain boasts and empty threats, although we afterwards felt their lamentable consequences. I well remember when former ministers talked towards America as the right hon. gent. does now. And this is a point on which he will have much to answer to his country—I say he will have to answer—for I am persuaded, that nothing that ever was written in this country produced such unfavourable effects on the sentiments of America, as the letter of the right hon. gent. to Mr. Pinckney. Indeed the very style of the letter is such that nobody can read it without feeling that it is calculated to goad an independent mind almost to madness. And here let me intreat the right hon. gent. to reflect on the effect which it has already produced in America: and let us remember too, that the sentiments of such a meeting as the Congress of America, whenever they are expressed, must be taken to be genuine, for in America there is no influence of the crown to give a false colour to majorities. There majorities must be taken to be genuine. Now, the lamentable effect of this letter was to produce a unanimous Vote in Congress, where, on reading it, there was one general expression of indignation throughout the whole assembly. As to what the right hon. gent. has said respecting the distinction which America has made between our ships of war and those of France: and the complaint on which he dwelt so forcibly, on the partiality of America towards France, in the instance of admitting her ships of war whilst ours were excluded—he has totally forgotten, that this exclusion is the consequence of the outrage committed on the Chesapeake, and had nothing whatever to do with our Orders in Council. The Americans having no such cause of complaint against France, had no pretext for excluding her ships of war. As neutrals, the Americans could not refuse admission to the ships of war of France. France would naturally demand the reason for the exclusion of her ships, which as none could be assigned, must be construed into an act of hostility. To England America says, until reparation shall have been made for the outrage committed on the Chesapeake, your ships shall find no admission to our waters. This, sir, has nothing to do with the Orders in Council or the question of the Embargo, and is but perplexing the subject unnecessarily. It has been said that the Embargo in America was laid on before our Orders in Council were known in America—this I apprehend to be a mistake; for, in the National Intelligencer, an American Paper of the first respectability and authority, a report of a Committee of Congress, renders it clear that our Orders in Council were known there before the

Embargo was laid on, and it will be in the recollection of the house, that a merchant of the first respectability, who was examined at the bar, stated, that he had transmitted intelligence of the Orders in Council to America the very day that they were known in this country. The result of the letter of the right hon. gent. to Mr. Pinckney, has been to induce America to renew her Embargo in a manner which we could not have thought she would have done under any circumstances whatever, for she has not only renewed that Embargo, but reconciled a great majority of her people to the continuance of it. In a word, America has had the courage and the virtue to sacrifice her interest to her honour and independence; she has cut off between this country and America all intercourse whatever. This, sir, is the situation into which England is reduced by the insulting letter of the right hon. gent. and no man living (as it appears to me) ever did or could do by accident—for we have the right hon. gent.'s own authority that he did not design it—so much mischief by one letter as he has done by this. Is it not deplorable, sir, that for the sake of a few pointed periods, and well-turned sentences, any individual, how exalted soever his station, should do such incalculable mischief as the right hon. gent. has done by that letter? He has wounded the mind of America to such a degree that we have made her consent to an act by which she voluntarily sacrifices her commerce; but this she does, rather than submit to the dictation of the right hon. gent. She has in a spirit of resentment, deprived herself of her own trade, by her own deliberate act. By this time, America has shut herself out of communication with the rest of the world; and by that act will be enabled hereafter to choose her own condition. The industry and active powers of her citizens will be directed to fresh pursuits; her maritime habits will be diverted from peaceful commerce to predatory attacks on the ships of England. Then will those Englishmen who now treat the offensive power of America with scornful contempt alter their tone; and especially such of them as may happen to be concerned in that trade which particularly exposes our merchantmen to attack—I mean that to the West Indies. But it seems we have an inexhaustible resource for all our continental disastrous disappointments. What if Bonaparte do conquer Spain, have we not then the whole of South America thrown open to our commerce? Can it be, that the right hon. gent. forgets that war with North America will expose our intercourse with the Spanish colonies in the southern division of that great continent, to dangers so great, so numerous, and so incessant, that the risk will raise the premium of insurance to an amount that will render the trade not worth pursuing. No man could adventure, under such circumstances, with any hope of deriving a competent profit from so precarious a trade. The subject of our situation with America is of the last importance to the country, and deserves the most serious attention of this house. In quarrelling with America we have certainly committed an egregious error, and to endeavour to correct that error, without loss of time, is true wisdom. The opinion of the right hon. gent. however, has, it seems, suffered some relaxation in consequence of a resolution of Congress, which has been made known to him subsequent to the date of his letter—by which resolution the ships of war of belligerents in general are to be excluded from the waters of America. "There is no rational price," says the right hon. gent. "that I should not pay for an adjustment of this dispute, consistently with the national honour. The Americans have come to a point, not in the most gracious way certainly, but they have come to it; by which they treat us on a footing of exact equality with France. I cannot say that all difficulties are thereby adjusted; but I do say, that the main difficulty is removed towards our arriving at an adjustment."—I do not wish to ask for any improper information on this or any other subject; but I think, on this occasion, I am entitled to ask the right hon. gent. whether he has made any communication of the alteration of his sentiments to the government of America. I hope he has. But if in that hope I am incorrect, let not a moment be lost in making such communication. If it has not already been made, I think he has been most culpably negligent of his duty. For the temper of the American Congress is manifest, and their resentment at the letter of the right hon. gent. is deeply rooted. As to the common place observations of those who have repeated, until they have established in their own minds the verity of that folly, that England can do without the rest of the world—they are easily disposed of. England has done, can do, and is doing wonders, but she cannot perform impossibilities. It is impossible she can long hold her present rank in the scale of nations without commerce, and if she has the misfortune to be at war with America, her commerce will be greatly endangered. I have thought much and deeply upon these subjects, and it has appeared to me to be my duty to call the attention of the house to them. I recommend them also to the most serious attention of his Majesty's ministers. But above all let me express a hope, that if hereafter any offers should be made by America, they will be received in a more conciliatory manner; and in a better temper than they have hitherto been, and with prompt and perfect readiness to treat in the sincere and true spirit of peace for a reconciliation of all differences between two Empires, which the identity of customs, language, laws, and religion, ought ever to hold in the strictest bonds of amity. As to the address, I have no wish to oppose any part of it. It has of late been the general practice of ministers, in deference to the general feeling of the house, so to word the speech from the throne, as not to provoke any division on the address. This principle has not perhaps been sufficiently attended to in the present instance. I shall hereafter have occasion to touch on various topics embraced in this address, but for the present I shall rest satisfied with what I have already offered.

Mr. *G. H. Rose* had not intended to trouble the house with any observations upon this occasion, and should have contented himself with a silent vote, if it had not been for certain observations, which had been thrown out by the right hon. gent. who had just sat down, with respect to the question between America and this country. That right hon. gent. had stated, that the British Orders in Council of the 11th Nov. 1807 had been the cause of the American embargo; and, in support of that statement, quoted an assertion to that effect, contained in a late report from a committee of the American Congress, and the evidence of a respectable gentleman at the bar of the house last session, shewing, that he had communicated, by letter to America, the intention of the British government, to issue such Orders in Council. As to the first ground of the right hon. gent.'s statement, he had only to observe, that it had been declared, in the American legislature, by one of the most respectable members of that body, eminently distinguished for his eloquence, his attainments, and patriotism, Mr. Randolph, that, in the report alluded to by the right hon. gent., a ground totally false had been assigned for the embargo, when it was stated to have been produced by the British Orders in Council. It could not be supposed, that that very distinguished member of the American representative could have forgotten the grounds assigned for a measure, in the discussion of which he had taken a conspicuous part. As to the gentleman whose evidence at the bar had been referred to, he made no doubt that he was a gentleman of respectability; though he was inclined to question the fact of his having been able to communicate to any person in America any intelligence respecting the Orders in Council, which could have reached America before the passing of the Embargo Act. To this point he could speak with some confidence, because he had proceeded on a mission to America in that year, and when he sailed from this country on the 11th or 12th of Nov. 1807, he had not known of the Orders in Council. He arrived in the American waters on the 27th Dec. and on the 10th Jan. following at Washington. At the time he reached the American waters, no more recent intelligence had been received, than that brought by the vessel in which he sailed, nor had any ship arrived but one from Glasgow that had sailed from that port, two days later than the date of his sailing from England, which, however, did not bring as recent intelligence as he had. No letter, consequently, could have been received, communicating the Orders in Council. The statement of the gent. at the bar might be true, but it did not appear whether his letter had reached America, or when. He had also to add, that, from the time when he arrived in America, to the time of his departure in April 1808; he had never heard the Orders in Council assigned as the ground of the Embargo, and he was convinced it had never been so stated in the debates, with closed doors, wherein the Embargo measure was discussed previous to its passing. The first time he had heard such a statement made, was, when on his return to England he learned the proceedings in parliament upon the Orders in Council.

The Hon. *Ashley Cooper* stated in justification of the Ordnance Department, that it was not from any neglect in this department, that any deficiency of ordnance appointments had been felt in the expedition to Portugal, as every necessary supply could have been instantaneously afforded, if it had been thought right to attach equipments of that description to the expedition to Portugal.

Lord *Castlereagh* in explanation stated that there had been no deficiency of artillery horses in that branch of the public service; and that a sufficiency of artillery horses could have been procured only by signing an order for them, if it had been thought adviseable to send out any with the expedition.

General *Matthew* censured the conduct of ministers in not having sent a larger force of cavalry along with sir Arthur Wellesley.

Mr. *A. Baring* condemned the general system of politics, observed by his majesty's ministers with respect to the dispute with America.

Mr. Alderman *Combe* animadverted in severe terms upon the Answer returned by his majesty's ministers to the Address of the city of London on the Convention in Portugal.

The question was then put and agreed to *nem. con.* when a committee was appointed to prepare and draw up the Address. After which the house adjourned.

HOUSE OF COMMONS.

Friday, January 20.

[THE LORDS COMMISSIONERS' SPEECH.] Mr. Robinson brought up the Report of the Address, which was read a first time. On the motion for the second reading,

Mr. *W. Smith* took the opportunity of briefly expressing his sentiments on the subject. In concurring with the Address, he by no means understood himself to be precluded from making any future observations on the various topics which it embraced. For instance, while he heartily concurred in the propriety of rejecting the terms upon which the last offer of negociation was made, he by no means meant to declare it as his opinion, that this country ought never to consent to the commencement of another negociation, while Spain should continue in the hands of the French government.—On the subject of Sweden also he conceived that there was much room for further remark. We might probably be paying our 100,000*l.* a month, merely for the purpose of having that sum used, however reluctantly, by Sweden to assist in the endeavour to exclude us from the Baltic. He condemned the levity with which the subjects of Spain and Portugal had last night been treated by the gentlemen opposite. Those gentlemen did not think they could possibly be called upon to answer for their conduct as culprits. When the day of investigation should come, he hoped that they would be able to exculpate themselves; but if it should turn out that the country was involved in a very great calamity; if the result should be that one of the finest armies that this country could ever boast, would be compelled to pass *sub furca,* then unquestionably it would become a matter of serious investigation, whether the fault lay with those who planned, or with those who executed; for to one of the parties it must necessarily attach.

The Report was then read a second time and agreed to.

[CONDUCT OF THE DUKE OF YORK.] Mr. *Wardle* gave notice, that on Friday next he would submit to the house a motion relative to the Conduct of his royal highness the Duke of York, Commander in Chief of the British Army, with respect to the granting of Commissions, the making of Exchanges, and the raising of Levies for the Army.

[SIR A. WELLESLEY AND GENERAL STEWART.] Mr. *Whitbread* was anxious to be informed, by the noble lord opposite, as to the situation of two very respectable members of that house. He wished to know whether that noble lord's gallant relation, general Stewart, still retained his office of Under Secretary of State for the War Department; and whether sir A. Wellesley still retained his office of Chief Secretary for Ireland? If not, he wished to be informed at what period those two distinguished officers discontinued to hold those situations?

Lord *Castlereagh* replied, that general Stewart was certainly still in legal possession of his office, for which if any blame was attributable, it was attributable to himself (lord C.) alone. But he could inform the hon. gent. that from the moment that officer quitted Portsmouth, he declined receiving any of the emoluments which arose from his civil situation. With respect to sir A. Wellesley, he did certainly consider that he was at the present moment in possession, and discharging the functions of the Chief Secretaryship for Ireland.

Mr. *Whitbread* made a few observations on the inconvenience to which the public service must be liable, by allowing the persons holding such offices, and particularly that of sir A. Wellesley, to be so long absent from their duty.

[PAPERS RELATING TO THE NEGOCIATION WITH RUSSIA AND FRANCE.] Mr. Secretary Canning presented to the House, by his Majesty's command, the following Papers, and gave notice that he should move on Thursday next to take them into consideration.

CORRESPONDENCE WITH THE RUSSIAN AND FRENCH GOVERNMENTS, RELATIVE TO THE OVERTURES RECEIVED FROM ERFURTH.

No. I. — LETTER *from Count Nicholas de Romanzoff to Mr. Secretary Canning, dated Erfurth,* 30 *Sept.* 12 *Oct.* 1808.—*Received Oct.* 21.

Sir; I send to your Excellency a Letter which the emperors of Russia and France write to his majesty the king of England. The emperor of Russia flatters himself that England will feel the grandeur and the sincerity of this step. She will there find the most natural and the most simple Answer to the Overture which has been made by admiral Saumarez. The union of the two empires is beyond the reach of all change, and the two Emperors have formed it for peace as well as for war.—His Majesty has commanded me to make known to your Excellency that he has nominated plenipotentiaries who will repair to Paris, where they will await the answer which your excellency may be pleased to make to me. I request you to address it to the Russian ambassador at Paris. The plenipotentiaries named by the emperor of Russia will repair to that city on the continent to which the plenipotentiaries of his Britannic Majesty and his Allies shall have been sent.—In respect to the bases of the Negotiation, their Imperial Majesties see no difficulty in adopting all those formerly proposed by England, namely, the *Uti Possidetis,* and every other basis founded upon the reciprocity and equality which ought to prevail between all great nations. I have the honour to be, with sentiments of the highest consideration, &c. (Signed)

COUNT NICOLAS DE ROMANZOFF.

No. II.— LETTER *from his majesty the emperor of all the Russias, and Buonaparté, to his Majesty, dated Erfurth,* 12 *Oct.* 1808. —*Received Oct.* 21.

Sire; The present circumstances of Europe have brought us together at Erfurth. Our first thought is to yield to the wish and the wants of every people, and to seek, in a speedy pacification with your Majesty, the most efficacious remedy for the miseries which oppress all nations. We make known to your Majesty our sincere desire in this respect by the present letter. —The long and bloody war which has torn the continent is at an end, without the possibility of being renewed. Many changes have taken place in Europe; many states have been overthrown. The cause is to be found in the state of agitation and misery in which the stagnation of Maritime Commerce has placed the greatest nations. Still greater changes may yet take place, and all of them contrary to the policy of the English nation. Peace, then, is at once the interest of the people of the continent, as it is the interest of the people of Great Britain.—We unite in entreating your Majesty to listen to the voice of humanity, silencing that of the passions; to seek, with the intention of arriving at that object, to conciliate all interests, and by that means to preserve all the powers which exist, and to insure the happiness of Europe and of the generation, at the head of which Providence has placed us. (Signed)

ALEXANDER.—NAPOLEON.

No. III.—LETTER *from M. de Champagny, to Mr. Secretary Canning, dated Erfurth,* 12 *Oct.* 1808.—*Received Oct.* 21.

Sir; I have the honour to transmit to your Excellency a Letter which the emperor of the French and the emperor of all the Russias write to his Britannic majeesty, The grandeur and the sincerity of this step will, without doubt, be felt. That cannot be attributed to weakness which is the result of the intimate connection between the two greatest sovereigns of the continent, united for peace as well as for war.—His majesty the Emperor has commanded me to make known to your Excellency, that he has nominated plenipotentiaries, who will repair to that city on the continent to which his majesty the king of Great Britain and his allies shall send their plenipotentiaries. With respect to the bases of the Negotiation, their majesties are disposed to adopt those formerly proposed by England herself; namely, the *Uti Possidetis,* and any other basis founded upon justice, and the reciprocity and equality which ought to prevail between all great nations. I have the honour to be, &c.

(Signed) CHAMPAGNY.

No. IV.—LETTER *from Buonaparté and his majesty the emperor of all the Russias, to his Majesty, dated Erfurth, Oct.* 12, 1808. —*Received Oct.* 21.

Sire; The present circumstances of Europe have brought us together at Erfurth. Our first thought is to yield to the wish and the wants of every people, and to seek, in a speedy pacification with your Majesty, the most efficacious remedy for the miseries which oppress all nations. We make known to your Majesty our sincere desire in this respect by the present letter.—The long and bloody war which has torn the continent is at an end, without the possibility of being renewed. Many changes have taken place in Europe; many states have been overthrown. The cause is to be found in the state of agitation and misery in which the stagnation of Maritime Commerce has placed the greatest nations. Still greater changes may yet take place, and all of them contrary to the policy of the English nation. Peace, then, is at once the interest of the people of the continent, as it is the interest of the people of Great Britain.—We unite in entreating your Majesty to listen to the voice of humanity, silencing that of the passions; to seek, with the intention of arriving at that object, to conciliate all interests, and by that means to preserve all the powers which exist, and to ensure the happiness of Europe and of this generation, at the head of which Providence has placed us. (Signed)

NAPOLEON.—ALEXANDER.

No. V.—LETTER *from Mr. Secretary Canning to the Russian Ambassador, at Paris, dated Foreign Office, Oct.* 22, 1808.

Sir; At the desire of count Nicolas de Romanzoff, I have the honour to acknowledge to your Excellency the receipt of the Letter which count Romanzoff has been pleased to write to me from Erfurth, dated the 30 Sep. 12 Oct. as well as of the Letter annexed to it addressed to the king my master. I shall lose no time in laying these two Letters before his Majesty, and in transmitting the Answers to your Excellency by an English courier. I have, &c.

(Signed) GEORGE CANNING.

No. VI.—LETTER *from Mr. Secretary Canning to M. de Champagny, dated Foreign Office,* 22 *Oct.* 1808.

Sir; I have the honour to acknowledge the receipt of your Excellency's Letter of the 12th instant from Erfurth, inclosing a Letter addressed to the king my master. I shall lose no time in laying these Letters before his Majesty, and in transmitting the Answers to them by an English messenger to Paris. I have, &c.

(Signed) GEORGE CANNING.

No. VII.—LETTER *from Mr. Secretary Canning to the Russian Ambassador, at Paris, dated Foreign Office,* 28 *Oct.* 1808.

Sir; Having laid before the king my master the two Letters which his Excellency the count Nicolas de Romanzoff has transmitted to me from Erfurth, I have received his Majesty's commands to reply to that which is addressed to him, by the official Note which I have the honour to enclose to your Excellency.—However desirous his Majesty might be to reply directly to his majesty the emperor of Russia, you cannot but feel, Sir, that from the unusual manner in which the Letters signed by his Imperial Majesty, were drawn up, and which has entirely deprived them of the character of a private and personal communication, his Majesty has found it impossible to adopt that mark of respect towards the emperor of Russia, without at the same time acknowledging Titles which his Majesty never has acknowledged.—I am commanded to add to the contents of the official Note, that his Majesty will hasten to communicate to his Majesty the king of Sweden, and to the existing government of Spain, the Proposals which have been made to him.—Your Excellency will perceive that it is absolutely necessary that his Majesty should receive an immediate assurance, that France acknowledges the government of Spain as party to any negociation.—That such is the intention of the emperor of Russia his Majesty cannot doubt.—His Majesty recollects with satisfaction the lively interest which his Imperial Majesty has always manifested for the welfare and dignity of the Spanish monarchy, and he wants no other assurance that his Imperial Majesty cannot have been induced to sanction by his concurrence or by his approbation, usurpations, the principle of which is not less unjust than their example is dangerous to all legitimate sovereigns.—As soon as the Answers on this point shall have been received, and as soon as his Majesty shall have learnt the sentiments of the king of Sweden, and those of the government of Spain, I shall not fail to receive the commands of his Majesty for such communications as it may be necessary to make upon the ulterior objects of the Letter of count Romanzoff. I have, &c. (Signed) GEORGE CANNING.

No. VIII.—LETTER *from Mr. Secretary Canning to M. de Champagny, dated Foreign Office,* 28 *Oct.* 1808.

Sir; Having laid before the king my master the two Letters which your Excellency transmitted to me from Erfurth, one of which was addressed to his Majesty, I have received his Majesty's commands to return, in answer to that Letter, the Official Note which I have the honour herewith to enclose.—I am commanded to add, that his Majesty will lose no time in communicating to the king of Sweden and to the government of Spain the proposals which have been made to his Majesty.—Your Excellency will see the necessity of an assurance being immediately afforded to his Majesty, that the admission of the government of Spain as a party to the negotiation is understood and agreed to by France.—After the Answer of your Excellency upon this point shall have been received, and so soon as his Majesty shall be in possession of the sentiments of the king of Sweden and of the government of Spain, I shall receive his Majesty's commands to communicate with your Excellency on the remaining points of your letter.—I have, &c. (Signed)

George Canning.

No. IX.—Official Note.

The King has uniformly declared his readiness and desire to enter into Negotiations for a general peace on terms consistent with the honour of his Majesty's crown, with fidelity to his engagements, and with the permanent repose and security of Europe. His Majesty repeats that Declaration.—If the condition of the continent be one of agitation and of wretchedness; if many states have been overthrown, and more are still menaced with subversion, it is a consolation to the King to reflect, that no part of the convulsions which have already been experienced, or of those which are threatened for the future, can be in any degree imputable to his Majesty. The King is most willing to acknowledge that all such dreadful changes are indeed contrary to the policy of Great Britain.—If the cause of so much misery is to be found in the stagnation of Commercial Intercourse,—although his Majesty cannot be expected to hear, with unqualified regret, that the system devised for the destruction of the commerce of his subjects has recoiled upon its authors, or its instruments,—yet is it neither in the disposition of his Majesty, nor in the character of the people over whom he reigns, to rejoice in the privations and unhappiness even of the nations which are combined against him. His Majesty anxiously desires the termination of the sufferings of the continent.—The war in which his Majesty is engaged, was entered into by his Majesty for the immediate object of national safety. It has been prolonged only because no secure and honourable means of terminating it have hitherto been afforded by his enemies.—But in the progress of a war, begun for self-defence, new obligations have been imposed upon his Majesty, in behalf of powers whom the aggressions of a common enemy have compelled to make common cause with his Majesty; or who have solicited his Majesty's assistance and support in the vindication of their national independence. The interests of the crown of Portugal and of his Sicilian majesty are confided to his Majesty's friendship and protection.—With the king of Sweden his Majesty is connected by ties of the closest alliance, and by stipulations which unite their counsels for peace as well as for war.—To Spain his Majesty is not yet bound by any formal Instrument; but his Majesty has, in the face of the world, contracted with that nation engagements not less sacred and not less binding upon his Majesty's mind, than the most solemn Treaties.—His Majesty, therefore, assumes that, in an Overture made to his Majesty for entering into negotiations for a general peace, the relations subsisting between his Majesty and the Spanish Monarchy have been distinctly taken into consideration; and that the government acting in the name of his catholic majesty Ferdinand VII. is understood to be a party to any negotiation in which his Majesty is invited to engage. (Signed)

George Canning.

No. X.—Letter *from Count Nicolas de Romanzoff, to Mr. Secretary Canning, dated Paris,* 31 *Oct.* 1808.—*Received Nov.* 4.

Sir; The immediate departure of the English courier who conveyed to me your excellency's Letter of the 28th of this month, obliges me to confine myself for the present to the acknowledgement of its receipt. I rejoice that my arrival at Paris has enabled me to receive that Letter myself, which was addressed to the Russian ambassador; and, M. de Tolstoi who held that post having been recalled by the emperor my master, in order to his being succeeded by the prince de Kourakin, I am happy to find myself in a situation to correspond directly with your excellency. I have the honour to be, &c. (Signed)

Le Comte Nicolas de Romanzoff.

No. XI.—Letter *from M. de Champagny to Mr. Secretary Canning, dated Paris,* 31 *Oct.* 1808.—*Received Nov.* 4.

Sir; His Majesty, the emperor my master, having left Paris, I am not willing to wait his orders to acknowledge the receipt of the Letter which your excellency did me the honour to write to me on the 28th of this month, and which I received this morning, as also of the official Note which was annexed to it. I shall lose no time in forwarding these Papers to his Imperial Majesty; and, as soon as his intentions shall be made known to me, I shall hasten to send another Courier to your Excellency. I am with the highest consideration, &c.

(Signed) CHAMPAGNY.

No. XII.—LETTER *from Count Nicolas de Romanzoff to Mr. Secretary Canning, dated Paris,* 16—28*th Nov.* 1808.—*Received Dec.* 6.

SIR; I transmit to your excellency my Answer to the Note of the 28th Oct. which you were pleased to address to count de Tolstoi; and I hasten to seize this fresh opportunity of renewing to your excellency the assurances of the high consideration with which I have the honour to be, &c. (Signed)

LE COMTE NICOLAS DE ROMANZOFF.

No. XIII.—NOTE.

THE undersigned, minister for foreign affairs of his majesty the emperor of all the Russias, has the honour to reply to the Note of the 28th Oct. signed by Mr. Canning, secretary of state for foreign affairs to his majesty the king of Great Britain, and addressed by his Excellency to the Russian ambassador at Paris:—That the admission of the sovereigns in alliance with England, to a congress, cannot be a point of any difficulty, and that Russia and France consent to it.—But this principle by no means extends to the necessity of admitting the plenipotentiaries of the Spanish Insurgents: the emperor of Russia cannot admit them. His empire, in similar circumstances,—and England can recollect one particular instance,—has always been true to the same principle. Moreover, he has already acknowledged the king Joseph Napoleon. He has announced to his Britannic Majesty, that he was united with the emperor of the French for peace as well as for war; and his Imperial Majesty here repeats that declaration. He is resolved not to separate his interests from those of that monarch; but they are both ready to conclude a peace, provided that it be just, honourable, and equal for all parties.—The undersigned sees with pleasure, that, in this difference of opinion respecting the Spaniards, nothing presents itself which can either prevent or delay the opening of a congress. He derives his persuasion in this respect, from that which his Britannic Majesty has himself confided to the two Emperors, that he is bound by no positive engagement with those who have taken up arms in Spain.—After fifteen years of war, Europe has a right to demand peace. The interest of all the powers, including that of England, is to render it general: humanity commands it; and such a desire, surely, cannot be foreign to the feelings of his Britannic Majesty. How can it be, that he alone can withdraw himself from such an object, and refuse to terminate the miseries of suffering humanity?—The undersigned consequently renews, in the name of the Emperor his august master, the Proposal already made, to send plenipotentiaries to any city on the continent, which his Britannic Majesty may please to point out; to admit to the congress the plenipotentiaries of the sovereigns in alliance with Great Britain; to treat upon the basis of the *Uti Poſſidetis,* and upon that of the respective power of the belligerent parties: In fine, to accept any basis which may have for its object the conclusion of a Peace, in which all parties shall find honour, justice, and equality.—The undersigned has the honour, &c. (Signed)

COUNT NICOLAS DE ROMANZOFF.

No. XIV. — LETTER *from M. de Champagny to Mr. Secretary Canning, dated Paris,* 28*th Nov.* 1808.—*Received Dec.* 6.

SIR; I have the honour to transmit to your Excellency the Answer which I have been commanded to make to the Note which accompanied your Letter of the 28th Oct. last.—I have the honour to be, &c.

(Signed) CHAMPAGNY.

No. XV.—NOTE.

THE undersigned has laid before the Emperor his master, the Note of his excellency Mr. Canning.—If it were true that the evils of war were felt only on the continent, certainly there would be little hope of attaining peace.—The two emperors had flattered themselves that the object of their measure would not have been misinterpreted in London. Could the English ministry have ascribed it to weakness or to necessity, when every impartial statesman must recognize in the spirit of peace and moderation by which it is dictated, the characteristics of power and true greatness? France and Russia can carry on the war so long as the court of London shall not recur to just and equitable dispositions; and they are resolved to do so.—How is it possible for the French government to entertain the Proposal which has been made to it, of admitting to the negociation the Spanish Insurgents? What would the English government have said had it been proposed to them to admit the Catholic Insurgents of Ireland? France, without having any Treaties with them, has been in communication with them, has made them promises, and has frequently sent them succours. Could such a proposal have found place in a Note, the object of which ought to have been not to irritate, but to endeavour to effect a mutual conciliation and good understanding?—England will find herself under a strange mistake, if, contrary to the experience of the past, she still entertains the idea of contending successfully upon the continent, against the armies of France. What hope can she now have, especially as France is irrevocably united with Russia?—The undersigned is commanded to repeat the Proposal, to admit to the negociation all the allies of the king of England; whether it be the king who reigns in the Brazils; whether it be the king who reigns in Sweden; or whether it be the king who reigns in Sicily: and to take for the basis of the negociation the *Uti Possidetis.* He is commanded to express the hope that, not losing sight of the inevitable results of the force of states, it will be remembered, that between great powers there is no solid peace but that which is at the same time equal and honourable for all parties.—The undersigned requests, &c. (Signed) CHAMPAGNY.

No. XVI.—LETTER *from Mr. Secretary Canning to Count Nicolas de Romanzoff, dated Foreign Office, 7th Dec.* 1808.

SIR; I shall lose no time in transmitting to your Excellency, by an English courier, the Answer which the King my master shall command me to return to the official Note, annexed to the letter of your excellency, dated the 16—28th of last month, of which I have the honour to acknowledge the receipt.—I seize with avidity this opportunity of renewing to your Excellency the assurances, &c.—(Signed) GEORGE CANNING.

No. XVII.—OFFICIAL NOTE, *dated Foreign Office,* 9 *Dec.* 1808.

THE undersigned, his Majesty's principal secretary of state for foreign affairs, has laid before the King his master the Note transmitted to him by his excellency the count Nicolas de Romanzoff, minister for foreign affairs of his Majesty the emperor of all the Russias, dated on the 16—28th of Nov.—The King learns with astonishment and regret the expectation which appears to have been entertained that his Majesty should consent to commence a Negotiation for general peace by the previous abandonment of the cause of the Spanish Nation, and of the legitimate monarchy of Spain, in deference to an usurpation which has no parallel in the history of the world.—His Majesty had hoped that the participation of the emperor of Russia in the Overtures made to his Majesty would have afforded a security to his Majesty against the proposal of a condition, so unjust in its effect, and so fatal in its example.—Nor can his Majesty conceive by what obligation of duty or of interest, or by what principle of Russian policy, his Imperial Majesty can have found himself compelled to acknowledge the right assumed by France, to depose and imprison friendly sovereigns, and forcibly to transfer to herself the allegiance of loyal and independant nations.—If these be indeed the principles to which the emperor of Russia has inviolably attached himself; to which his Imperial Majesty has pledged the character and resources of his empire; which he has united himself with France to establish by war, and to maintain in peace, deeply does his Majesty lament a determination by which the sufferings of Europe must be aggravated and prolonged: But not to his Majesty is to be attributed the continuance of the calamities of war, by the disappointment of all hope of such a peace as would be compatible with justice and with honour.—The undersigned, &c. (Signed) GEORGE CANNING.

No. XVIII.—LETTER *from Mr. Secretary Canning to M. de Champagny, dated Foreign Office,* 7 *Dec.* 1808.

SIR; I have the honour to acknowledge the receipt of your Excellency's Letter of the 28th of last month, and of the official Note therein inclosed.—As soon as I shall have received the King's commands upon the subject of that Note, I shall not fail to transmit to your Excellency, by an English messenger, the Answer which his Majesty may command me to return to it.—I have the honour to be, &c. (Signed) GEORGE CANNING.

No. XIX.—OFFICIAL NOTE, *dated Foreign Office, 9th Dec.* 1808.

THE undersigned, his Majesty's principal secretary of state for foreign affairs, has laid before the King his master the

Note transmitted to him by his Excellency M. de Champagny, dated the 28th Nov.—He is especially commanded by his Majesty to abstain from noticing any of those topics and expressions insulting to his Majesty, to his allies, and to the Spanish Nation, with which the Official Note transmitted by M. de Champagny abounds.—His Majesty was desirous to have treated for a peace which might have arranged the respective interests of all the powers engaged in the war on principles of equal justice: and his Majesty sincerely regrets that this desire of his Majesty is disappointed.—But his Majesty is determined not to abandon the cause of the Spanish Nation, and of the legitimate monarchy of Spain: and the pretension of France to exclude from the negotiation the Central and Supreme Government, acting in the name of his Catholic Majesty Ferdinand VII. is one, which his Majesty could not admit, without acquiescing in an usurpation which has no parallel in the history of the world.—The undersigned, &c.—(Signed)

GEORGE CANNING.

No. XX.—LETTER *from Count Nicolas de Romanzoff to Mr. Secretary Canning, dated Paris,* 1—13*th of Dec.* 1808.—*Received Dec.* 17.

SIR; The messenger whom I had dispatched to your Excellency is returned to this place, and has brought me the Letter, which you did me the honour to write to me on the 7th of Dec. Some hours afterwards, the messenger whom your Excellency has sent to Paris, delivered to me from your Excellency, a Letter without date, which was accompanied by a Note, dated the 9th Dec. I shall transmit the whole for the information of the Emperor my master.—I avail myself of this opportunity to renew to, &c.—(Signed)

COUNT NICHOLAS DE ROMANZOFF.

No. XXI.—LETTER *from M. de Champagny to Mr. Secretary Canning, dated Paris,* 13*th Dec.* 1808. *Received Dec.* 17*th.*

SIR; I have the honour to acknowledge the receipt of your Excellency's Letter of the 9th instant, together with the Official Note which accompanied it. I shall lose no time in laying this Note before the Emperor my master.—I avail myself, &c.

(Signed) CHAMPAGNY.

DECLARATION OF THE KING OF GREAT BRITAIN RELATIVE TO THE OVERTURES MADE BY RUSSIA AND FRANCE.—*Dated Westminster, Dec* 15*th* 1808.

THE Overtures made to his Majesty by the governments of Russia and of France have not led to Negotiation: and the intercourse to which those Overtures gave rise being terminated, his Majesty thinks it right thus promptly and publicly to make known it's termination.—The continued appearance of a Negotiation, when peace has been found to be utterly unattainable, could be advantageous only to the enemy.—It might enable France to sow distrust and jealousy in the councils of those, who are combined to resist her oppressions: And if, among the nations which groan under the tyranny of French alliance, or among those which maintain against France a doubtful and precarious independence, there should be any which even now are balancing between the certain ruin of a prolonged inactivity, and the contingent dangers of an effort to save themselves from that ruin; to nations so situated the delusive prospect of a peace between Great Britain and France could not fail to be peculiarly injurious. Their preparations might be relaxed by the vain hope of returning tranquillity; or their purpose shaken by the apprehension of being left to contend alone.—That such was, in fact, the main object of France in the proposals transmitted to his Majesty from Erfurth, his Majesty entertained a strong persuasion. — But at a moment when results so awful from their importance and so tremendous from their uncertainty, might be depending upon the decision of peace or war, the King felt it due to himself to ascertain, beyond the possibility of doubt, the views and intentions of his enemies.—It was difficult for his Majesty to believe, that the emperor of Russia had devoted himself so blindly and fatally to the violence and ambition of the power with which his Imperial Majesty had unfortunately become allied, as to be prepared openly to abet the usurpation of the Spanish Monarchy; and to acknowledge and maintain the right, assumed by France, to depose and imprison friendly sovereigns, and forcibly to transfer to herself the allegiance of independent nations.—When, therefore, it was proposed to his Majesty to enter into negotiation for a general peace, in concert with his Majesty's allies, and to treat either on the basis of the *Uti possidetis*, (heretofore the subject of so much controversy) or on any other basis, consistent with justice, honour, and equality, his Majesty determined to meet this seeming fairness and moderation, with fairness and moderation, on his Majesty's part real and sincere.—The King professed his readiness to enter into such negotiation, in concurrence with his allies; and undertook forthwith to communicate to them the Proposals which his Majesty had received. But as his Majesty was not connected with Spain by a formal treaty of alliance, his Majesty thought it necessary to declare, that the engagements which he had contracted, in the face of the world, with that nation, were considered by his Majesty as no less sacred, and no less binding upon his Majesty, than the most solemn treaties; and to express his Majesty's just confidence that the government of Spain, acting in the name of his Catholic Majesty Ferdinand VII. was understood to be a party to the Negotiation.—The reply returned by France to this proposition of his Majesty casts off at once the thin disguise, which had been assumed for a momentary purpose; and displays, with less than ordinary reserve, the arrogance and injustice of that Government. The universal Spanish nation is described by the degrading appellation of "the Spanish Insurgents;" and the demand for the admission of the government of Spain as a party to any Negotiation, is rejected as inadmissible and insulting.—With astonishment as well as with grief his Majesty has received from the emperor of Russia a reply, similar in effect, although less indecorous in tone and manner. The emperor of Russia also stigmatizes as "Insurrection," the glorious efforts of the Spanish people in behalf of their legitimate sovereign, and in defence of the independence of their country! thus giving the sanction of his Imperial Majesty's authority to an usurpation which has no parallel in the history of the world.—The King would readily have embraced an opportunity of negotiation which might have afforded any hope or prospect of a peace compatible with justice and with honour. His Majesty deeply laments an issue, by which the sufferings of Europe are aggravated and prolonged. But neither the honour of his Majesty, nor the generosity of the British nation, would admit of his Majesty's consenting to commence a negotiation, by the abandonment of a brave and loyal people, who are contending for the preservation of all that is dear to man; and whose exertions in a cause so unquestionably just, his Majesty has solemnly pledged himself to sustain.

Westminster, Dec. 15, 1808.

HOUSE OF LORDS.

Monday, January 23.

[ORDERS IN COUNCIL.] Lord *Auckland* stated, that a noble friend of his (lord Grenville), whose absence, on account of illness, he had to regret, but whose illness would not, he hoped, be of long continuance, had requested him to state to the house, that if he had been enabled to be present, he should have joined in every tribute of applause to the merits of sir Arthur Wellesley. His noble friend had also requested him to move, that the lords be summoned for this day fortnight, when it was the intention of his noble friend to bring forward a motion to address his majesty to rescind the Orders in Council; and to found that motion upon the Letter which had been published from Mr. Pinckney, the American minister, to our Government; and the Answer of the Secretary of State. It was requisite that those papers should be before the house, and his lordship, therefore, moved for the production of the Correspondence between the Ministers of the two Governments.

The Earl of *Liverpool* wished to confine the production of papers to those which had been published by the American Government; and observed, that no communication was made to Parliament respecting America, because our existing relations with the United States were not in that state which would authorise such a communication.

Lord *Auckland* agreed that no other papers than those mentioned were necessary; but, in consequence of some objection to the wording of the motion, his lordship withdrew it, with the intention of making it again to-morrow.

Lord *Erskine* expressed his decided opinion, that if the proposition of the American Government, respecting the rescinding the Orders in Council, was not agreed to, there would be War between the United States and France in a month.

[VOTE OF THANKS. BATTLE OF VIMIERA.] The Earl of *Liverpool* rose, in pursuance of notice, to move the Thanks of the house to lieutenant general sir Arthur Wellesley. His lordship briefly detailed the circumstances of the two actions, on the 17th and 21st of August, and spoke in the highest terms of the skilful disposition made by sir A. Wellesley upon those occasions, and the energy and ability displayed by that gallant officer in the battles. He trusted, therefore, that there would be an unanimous Vote of Thanks upon an occasion in which those Thanks were so well merited, and without any reference to circumstances which occurred after sir Arthur had ceased to command. In consequence of some private intimation, he wished to say a few words with respect to the name of sir Harry Burrard not being included. It was true that sir Harry Burrard nominally had the command, at a part of the period alluded to; but the actual command, until the conclusion of the Battle of Vimiera, remained with sir A. Wellesley, who made all the dispositions, and carried them into execution. It was for that reason that the thanks were confined to sir Arthur. A similar instance occurred in the case of the Battle of the Nile, for which thanks were voted to lord Nelson, who was the actual commander upon that occasion, and not to earl St. Vincent, under whose command lord Nelson was; and in the case of the former expedition to Copenhagen, sir Hyde Parker was merely thanked for the disposition, and lord Nelson for the execution. In the present instance, sir Harry Burrard had, with great magnanimity, declined to interfere with the command, until after the Battle of Vimiera was over. Upon these grounds it was that the motion of thanks was confined to sir Arthur Wellesley, as the actual Commander. His lordship concluded by moving the Thanks of the house to lieut. gen. sir A. Wellesley, K. B. for the skill, valour, and ability displayed by him on the 17th and 21st of August, and particularly on the latter day, in the Battle of Vimiera.

The Earl of *Moira* was aware that it appeared very ungracious to interpose any thing like a dissent to a motion of this nature, but he thought it his duty upon the present occasion to enter his protest against the mode now proposed by the noble earl, of voting the thanks of the house. The painful task had fallen to his lot of investigating, as a member of the Court of Inquiry, the circumstances which led to the late transactions in Portugal; and after what then transpired, he could not consent that the name of sir Harry Burrard should be left out of the Vote of Thanks, and thereby, in fact, that the severest censure should be passed upon him. It was ascertained by the examination of sir Harry Burrard before the Court of Inquiry, that that respectable officer had the command of the army on the 20th, and that on the 21st, on arriving at Vimiera, he approved of the dispositions made by sir Arthur in the battle, and thereby made himself responsible for all those dispositions. Had our army been defeated, sir Harry must have participated in the shame of the defeat, surely then justice required that he should partake of the triumph of the victory. With respect to the conduct of sir Harry Burrard, he (lord M.) had not been able, with the aid of all the evidence examined by the Court of Inquiry, to make up his mind as to the point, whether it was proper to advance the army after the battle; so far, however, as he was enabled to form an opinion, he conceived the conduct of sir Harry upon that occasion to have been judicious. He could not, therefore, considering that sir Harry Burrard had all the responsibility of the command upon him, consent that the name of that Officer should be omitted in the Vote of Thanks, and should move an Amendment for the purpose of having his name inserted.

Lord *Harrowby* contended, that sir Harry Burrard had, in his own dispatch, expressly disclaimed any share in the victory, he having with great magnanimity allowed the whole of the actual command during the battle to remain with sir A. Wellesley. To include sir Harry in the Vote of Thanks, would be giving an opinion upon subsequent circumstances, respecting which no information was before the house.

Viscount *Sidmouth* said, that he anticipated the objections made by the noble lord who moved the amendment, and had given them full consideration. The result of that consideration was that he could not agree to them. He did not feel that a Vote of Thanks to sir A. Wellesley could attach the least discredit to the character of sir H. Burrard. He cordially assented to the original motion, and regretted that his noble friend had not made it the day after the meeting of the house. He paid some high compliments to the merit of sir A. Wellesley, and described the victory which had been obtained by the army under his command, as one of the most brilliant that graced the annals of the country. He recommended to the noble baron to withdraw the amendment.

Lord *Erskine*, in offering himself to the consideration of their lordships, begged to premise that he was altogether unacquainted with sir H. Burrard or his family, and that he did not even know that he had ever seen his person; at the same time he was ready to give the highest possible praise to sir A. Wellesley, which his warmest and most enthusiastic admirers could devise, and to acknowledge he had eminently conducted himself, not only on the present occasion, but on every former opportunity that had offered itself; but he would beg leave to ask one plain question; Was sir H. Burrard in the chief command on the 21st August or not? If he were, he was entitled to the admiration of his country, and the thanks of their lordships, for having embraced those plans, and adopted those measures, which he found his predecessor in the pursuit of. For his part, he had spent the earlier part of his days in the service, and was acquainted with its details, and his lordship thought, that however wise and skilful previous plans might have been found, yet in the moment of action much might depend upon the events arising from the exertions of individuals, whether from skill or accident. In the navy, for instance, when the commander-in-chief had arranged his plans, and rushed into the battle, in the midst of smoke and confusion, much of the success might be fairly attributable to the efforts of a captain, or even the hardy intrepidity of a common seaman; and yet, he believed it had never occurred to any one, that the commander was the less deserving of his tribute of praise.—Thus, if their lordships should agree to the amendment proposed by his noble friend, the world would do ample justice, by apportioning to each of the gallant commanders his due share of praise; to the one for the wisdom of his plans and the gallantry of their execution, and to the other for his magnanimity and good sense displayed in their adoption. Suppose, for instance, during the course of an engagement, an officer, subordinate in command, had the good fortune to perceive, and the skill to embrace, the opportunity of making such a movement as to be productive of signal advantages in deciding the fortune of the day, were their lordships prepared to say that the commander-in-chief should not receive those thanks which the victory deserved? Upon the subject of the Vote of Thanks to sir H. Burrard, his lordship professed himself at a total loss to conceive what could be the objection to it. Would any noble lord state, that the gallant general himself disclaimed it, or that he had signified his indifference to their approbation? If such an avowal as this should be made, he for one should rest satisfied, and feel relieved from all embarrassment on the subject. Money, he believed, was an object of desire with most men; he was sure soldiers and sailors loved to acquire it; but to them in particular was not praise an object of the most ardent desire? With respect, therefore, to sir H. Burrard, as it could not be denied that he held the chief command during the engagement of the 21st August, he would put it to the feelings and honour of their lordships, whether, when he approved and adopted the arrangements previously made he was not entitled to praise? and whether, as commander-in-chief, he might not, had he thought proper, have disapproved of those arrangements, and have substituted others in their room? and, therefore, having all the responsibility, whether, he was not eminently entitled to their lordships' thanks? Impressed with these sentiments, he felt himself bound to support the proposed amendment.

The Earl of *Moira*, for the sake of regularity, moved an adjournment of the question, for the purpose of introducing a motion of thanks to sir Harry Burrard.

Lord *Mulgrave* had conceived that the business, as it originally stood, would have been a mere Vote of Thanks, unmixed with other matter, and, as such, not liable to the slightest opposition; but the amendment proposed by the noble earl had given rise to a question, how far the silence of the Vote of Thanks to sir Arthur Wellesley, with regard to sir Harry Burrard, tended to stigmatise the latter? His lordship declared, that if it had the slightest tendency in his mind to any such conclusion, he would be the last man to agree to it. But he would ask, did it do so, when it must be acknowledged, on all hands, that the services of the latter were at all events less brilliant than those of the former? A noble and learned lord had declared he was wholly unacquainted with sir Harry Burrard; but his lordship knew him well, and also his sentiments on the subject; and he knew that the gallant general utterly disclaimed all right to thanks which he felt he had not earned. Their lordships had heard of the Court of Inquiry, and the sentiments arising thereon; but the proceedings of that court were not before their lordships, and they could form no opinion therefrom; but there was a document which their lordships were bound to know, and that was the Gazettes. What did they say? In them sir Harry declares he saw no necessity for interfering in the arrangements he found made by sir Arthur, and that therefore he had directed him to proceed in completing the work which he had so happily begun. Did their lordships imagine that the gallant general would take to himself thanks for merely acting thus? In adopting such measures, he had not only evinced the most scrupulous honour, but the soundest discretion, by declining to interfere when he saw the measures taken were wisely taken; here, therefore, was a clear and convincing proof that he disclaimed all praise on the subject. It had been said that sir Harry was present during the action, as commander-in-chief, but did he make the report of the proceedings? In the ordinary course of proceedings, if he had conceived himself as acting on that occasion in that capacity, he should have done so; but he disdained it, and, with a delicacy which reflected the highest honour on him, he caused the man who had rendered the service, to make the report of that service; he knew he had done nothing to deserve it; and his lordship was sure he would only be stung at the thought of thanks bestowed when he was conscious of not having earned them. Their lordships had now to decide whether any thanks at all were to be given? And to determine that question he would boldly ask, is sir A. Wellesley's victory found wanting in the scale when compared with any, the most brilliant achievement to be found in military story? His lordship saw in it every thing that was dignified and transcendant, uniting together at once the soundest judgment with the most prompt decision; collecting as it were by magic the means of commencing his march to meet the enemy; carrying with him the confidence of the country in his progress; reaching that enemy, posted in a superior and difficult situation; and lastly, in the short space of twenty-one days, bringing to issue that great question, which was more likely to succeed, attack or defence between contending armies? having in the attack made by him on the 17th, and the defence of the 21st August, proved himself eminently superior in both. It was the glory of sir Harry Burrard to have duly admired and done justice to these services; and on these grounds his lordship was adverse to mixing them together in the same vote.

The Earl of *Buckinghamshire* expressed his concurrence in what had fallen from other noble lords, with respect to the brilliant nature of the victories of sir A. Wellesley, and the officers and army under his command, and it was therefore scarcely necessary for him to say, that he heartily assented to the motion of thanks. The chief object for which he rose was, to put a question to the noble lord who proposed the thanks to sir H. Burrard. He disclaimed any intention to cast a reflection upon sir H. Burrard; but from what he had heard and read it appeared, that if the victory of the 21st had been followed up, the result would have been much more brilliant than it was. He would ask, what were the sentiments of generals Spencer and Ferguson, and others, who were on the spot, on that subject? He felt interested in the honour and character of sir A. Wellesley, and naturally, therefore, wished for an explanation. The only act of sir H. Burrard, with respect to the battle, was stopping the pursuit.

The Earl of *Moira* replied, that general Ferguson had given it as his opinion, that, if permitted to advance, he would have cut off a part of the enemy. General Spencer's opinion, as to the propriety of advancing, was given in a very cautious manner, and he stated that he saw a body of the enemy, probably the whole of their left wing, forming three miles in front of his division. With the hourly expectation of the arrival of the reinforcements under sir J. Moore, which would render the effecting of the object certain, sir H. Burrard chose to stop, rather than to make a movement which, under the circumstances, was undoubtedly hazardous. Although the movement, if made, would probably, from the superiority of the British soldiers, have been successful, yet he could not but think the conduct of sir H. Burrard judicious, as he might naturally think that a little delay would have brought the probability to a certainty. Sir H. Burrard had the command of the army; he was present for a great part of the time in the hottest of the engagement, and had a duty to perform, of which he could not divest himself. The responsibility rested with him, and he controuled the opinion of sir A. Wellesley respecting the advance to Torres Vedras. Sir H. Burrard must be considered, therefore, as acting the whole of the day, and ought not to be left out of the motion of thanks.

Earl *Grosvenor* wished this question had not been brought forward till the papers respecting the expedition had been laid on the table—the want of which occasioned these difficulties. The noble earl adverted to the doubtful and contradictory statements respecting the numbers of the enemy, and other circumstances, which had a material relation to this subject, as well as to the Convention and Armistice, of which he particularly condemned the Russian Article. But although he thought the best course would have been to have waited for the production of the papers, he could not refuse his assent to the motion.

Lord *Auckland* said, he had listened to the present discussion with considerable uneasiness. His noble friend had certainly supported the amendment which he had proposed, with all his usual talent and force of reasoning; at the same time it was evident, that it was desirable, in order to give full effect to the thanks of the house, that they should be given unanimously, and as it were, by acclamation; but his noble friend must be aware that his amendment would meet with opposition, since so much difference of opinion on the subject evidently existed. He hoped, therefore, the noble baron would not press his amendment.

The question being put on the amendment of lord Moira, it was negatived, without a division, and with only one or two dissentient voices. The original motion was then put, upon which lord Moira observed, that though his amendment had been negatived, yet he heartily concurred in the testimony which had been paid to the merits and gallantry of sir A. Wellesley. The motion was then unanimously agreed to.

PROTEST ON THE ABOVE VOTE OF THANKS.

The following Protest of the earl of Moira, as baron Hastings, was entered on the Journals:

"Dissentient; Because it has been established by evidence in a public Court, that lieut. gen. sir Harry Burrard was in the Field throughout the whole of the Action at Vimiera, exercising Command; and no officer has the power of disqualifying himself, or of divesting himself of the Trust reposed in him by his Sovereign. On this account I cannot agree to leave out the name of lieut. gen. sir Harry Burrard, no neglect or misconduct having been imputed to him, from the Thanks of this House to those who achieved the glorious Victory at Vimiera.

(Signed) HASTINGS, &c. &c."

HOUSE OF COMMONS.

Tuesday, January 24.

[MINUTES.] Lord Stopford reported to the house, that his Majesty, having been attended with their Address of Friday last, was pleased to receive the same very graciously, and to give the following Answer; "Gentlemen; I return you my thanks for this loyal Address. I receive with the greatest satisfaction the assurances of the continuance of your support, and of your determination to lose no time in considering of the best measures for augmenting the Regular Army; it affords me a fresh proof of the just sense which you entertain of the importance of the present exigency, and of your zeal to exert yourselves for the honour of my crown and the safety of my dominions."—Lord H. Petty gave notice, that it was his intention to submit to the house a motion on the subject of the Convention of Cintra this day fortnight.—Mr. Ponsonby gave notice of a motion on the conduct of the War in Spain for next Thursday fortnight.—Lord Folkestone wished to put a question to ministers, in order to ascertain whether the member for Poole (Mr. Jeffery) had received the appointment of the Consul Generalship to Portugal or not? He was anxious to acquire this information, for two reasons; first, because he understood that if that member had been so appointed, he of course vacated his seat; and next, that a very studious silence was observed by ministers on the subject; indeed, the usual mode of communication was neglected. The Chancellor of the Exchequer replied, that he believed that if the appointment alluded to had not taken place, it was most certainly in contemplation. The right hon. gent. in whose immediate department that appointment was, would, he believed, be shortly in his place, and from him he was sure the noble lord would get a distinct answer.

[FINANCE COMMITTEE.] The *Chancellor of the Exchequer*, pursuant to notice, rose, to submit to the consideration of the house a motion for the re-appointment of the Committee of Finance. If he had barely to propose the revival of the same Committee, composed of the same members and consisting of the same number, as in the last session, he was sensible, that it would not be necessary for him to take up much of the time of the House; because he could not conceive any possibility of opposition to such a motion. But, as he meant to suggest an alteration in the constitution of the Committee, he was desirous previously to state to the House the actual circumstances, under which he proposed to have the Committee reappointed; at the same time reserving what he might have further to say, until he should hear what objections, if any, would be started against his motion. The alteration he had it in contemplation to propose, was a reduction of the number, of which the Committee was composed. Hence it became necessary for him to state briefly the grounds, upon which he was induced to recommend this reduction. The hon. gent. who filled the chair of that Committee last session (Mr. Bankes) would be ready to admit, that the idea of reducing the number of which the Committee had originally consisted, had been adopted on his suggestion. That hon. gent. had stated it as his opinion at the close of the last session, that, with a view to dispatch in the proceedings of the Committee, it was necessary to diminish the number of its members. If that dispatch could be attained without any sacrifice of that useful and necessary deliberation, which was essential to the due and faithful performance of the duties confided to the Committee, it would necessarily be an object highly desirable to be accomplished. Undoubtedly, dispatch might be insured by the appointment of a Committee, all the members of which should be of one mind. But then, it was only by the conflict of different opinions and views upon the important questions, which should occupy the attention of the Committee, that any clear light upon the objects of their deliberation was to be expected. If the motion, therefore, which he was to submit, were to be in the hands of the gentlemen opposite, he was confident that they would not think of nominating any greater number of the gentlemen, who sat on their side of the House, than he meant to propose of those, who sat on his side, to be of the Committee. It was the uniform practice, in appointing Committees of this nature, to secure enlarged discussion, by procuring persons of different views, in order that the suggestion of those different views, by individual members, might lead to more enlightened decisions in the deliberations of the collective body. In attending to this object, and reducing the number of members of the Committee, he was aware of the invidious task he had to perform, in making a selection from the members of the former Committee. Nothing could be more unpleasant than the discussion of individual qualifications, for the performance of such a duty as would belong to a member of such a Committee. That was a course, however, which it was not his intention to adopt, as amongst the names of the Committee he proposed to submit, he did not mean to recommend any one who had not been upon the former Committee. All he professed to do was to reduce the former Committee from twenty-five, of which it was last session composed, to fifteen, by leaving out ten of the former members. Even his hon. friend from whom the suggestion of the reduction had proceeded, would agree that it was not desirable that the Committee should consist of a less number than fifteen.—Before he should submit his first motion, that the Committee be re-appointed, to which no objection could be made, he proposed to read over the list of names as he wished them to stand in the new Committee; and on an examination of the list it would appear that, in the selection of those names, he had left out a greater number of those who, from political habits and individual opinions, had been more accustomed to vote on his side of the House, than of those who usually voted on the opposite side.—The right hon. gent. then read the list of fifteen, viz. Henry Bankes, esq. Henry Thornton, esq. J. H. Leigh, esq. lord Henry Petty, Henry Joddrell, esq. Isaac H. Browne, esq. Hon. Dennis Browne, R. M. Biddulph, esq. Richard Ellison, esq. Nicholson Calvert, esq. James Brogden, esq. right hon. P. Carew; right hon. H. Grattan, Richard Wharton, esq. and lord A. Hamilton. And he moved, "That a Committee be appointed to examine and consider what regulations and checks have been established, in order to controul the several branches of the Public Expenditure in Great Britain and Ireland, and how far the same have been effectual, and what further measures can be adopted for reducing any part of the said Expenditure, or diminishing the amount of Salaries and Emoluments, without detriment to the public service."

Mr. *Bankes* was ready to bear testimony to the readiness with which his right hon. friend had acceded to his suggestion as to the propriety of reducing the number of the members of the Committee. In the long experience of last session it was but too obvious that the Committee was too numerous to prosecute its labours with any desirable effect. Of the certainty of this they had a proof in the circumstance that the Committee had been able to make but one report, and that at the end of the session. But, in thus acknowledging thanks to his right hon. friend for his concession, he was sorry he could not carry his concurrence further. His right hon. friend had very properly abstained from the invidious task of discussing the qualifications of individuals to be members of the Committee. That was a task which he also should decline, though upon such an occasion he could not allow it to be unparliamentary. But nothing was more opposite to his nature and habits, than to give private offence upon public grounds. From the situation which he had filled in the former Committee, he supposed his right hon. friend wished (indeed he had signified to him his wish,) that he should again act as chairman. Whilst he was chairman he had employed all the diligence which his humble abilities enabled him to exert, and he had the satifaction to know, that all those who were his colleagues, as well those who differed as those who agreed with him, had thought him not unfit for the situation. He was aware of the humility of his own pretensions, but though convinced that many others were more competent from their talents, he was certain that no person could go beyond him in zeal, assiduity, and diligence. It was due, however, to himself, to state, that if he should, in the present instance, be designated for that situation, with a list so constituted, it was impossible for him to undertake the duty. He had only to add, that no consideration should induce him to act in that capacity with a Committee so composed. At the same time that he admitted that some names were retained, he must observe, that several names were omitted, of persons, whose services upon the Committee would have been highly beneficial to the public interest. He did not mean to impute any unworthy motives to his right hon. friend, yet he could not but feel that a Committee, such as he had proposed, was only calculated to delude the public, and frustrate the ends of inquiry.

Mr. *Peter Moore* was glad to hear what had fallen from the hon. gent. because if he had not stated his sentiments, as he had done, he was prepared himself to give expression to similar sentiments. After all the Reports, which had already been laid before the house, session after session, by former Committees, without producing one effectual step on the part of his majesty's ministers to remedy any of the abuses pointed out to them, or causing any effectual step towards a serious system of public economy to be taken, the public would conceive the nomination of such a Committee as the present, a mere farce to cajole and delude them. What had been done by the right hon. gent. at the head of the finance department in consequence of the first great recommendation of the former Committee of which the hon. member who spoke last had filled the Chair, in respect to the bargain with the Bank of England? Why, that a sum of 60,000l. was taken as an equivalent for their advantages in the management of the public money, when 260,000l. ought to have been demanded. He considered this as nothing else than a bribe to the Bank out of the public purse, while the right hon. gent. was obliged to make good the deficit by laying new taxes upon the country.—The next prominent point was, the recommendation in the report of the former Committee, respecting the gross defalcation that had occurred in a department of great public expenditure, at the head of which was the right hon. Thomas Steele, who had taken above 19,000*l.* under false pretences; and what had been done by his majesty's ministers in that case? Why, nothing more than merely to demand of him the payment of the money, instead of directing the king's Attorney-General to institute a prosecution against him. The third Report recommended the abolition of sinecure places, with enormous salaries. But what had been done? Why, to employ new clerks to correct the errors of inefficient clerks, but without any measure of public economy being adopted. If his majesty's ministers were really serious in their wishes to check abuses, to stem profusion, and to economize the public purse, they had ample grounds to proceed on in the Reports of the Finance Committees already laid upon the table of the house within the last three years. Judging, however, from their utter supineness, and obvious contempt of those Reports and the measures therein recommended, he could not help considering the nomination of such a Committee as a mere delusion, and that as little was meant to be done in the three years to come, as in the three years last past. There was every reason for the people to murmur at the delusive result of a system from which they were taught to expect economy and reform. Instead of which, the system of expenditure for several years past, was rather for a war upon the purses of the people than for a war against the common enemy. The Finance Committee in 1797, made 24 Reports; that in 1798 made 12 more, all containing the most important, clear, decisive, intelligent, and instructive information on the state of the finances of the country; and what had ministers done in consequence? Not one thing. The same was to be said of the Reports of the last three years, and every thing they recommended. Where, then, was the use of appointing a new Committee, if the same system was still to go on? There were other gross abuses in another department under an hon. gent. opposite, which he should notice at another opportunity; but he would repeat, that if any thing of reform or economy was sincerely intended, the mischief and the means of redress would be found stated in the Reports already before the House. It would, howver, be impossible to avoid the continuance of peculation, profusion, and abuse, unless the house should demand and insist upon having the accounts of the public receipt and expenditure for one year, before they voted a shilling of new supply for the next. The right hon. gent. at the head of the Finances had declared he had no objection to the principle, and ministers could find no difficulty in being ready with those accounts at the opening of the session, or in enforcing the payment of all monies, in the hands of public men, into the Treasury. A million of which appeared to be outstanding in balances, of which a considerable portion, as he should hereafter shew, would never come into the Treasury. If they did not do this, they could not know how the public money was appropriated. Mr. Pitt himself, that great professor of finance and economy, did not know it, as was shewn upon the trial of lord Melville. It was therefore indispensably necessary, that the house of commons should let the public see they were determined to do their duty, and that the object of the house of commons in the present state of public affairs was to alleviate the public burthens as far as consistent with their public duty, and not to improve the private incomes of persons in office.

Lord *Henry Petty* expressed his acquiescence in the opinion delivered by Mr. Bankes. Without arrogating any superior pretensions, he wished to declare to the house, that, though the rt. hon. Chancellor of the Exchequer had thought proper to appoint him on the proposed Committee, he still considered that he should act most consistent with his public duty, by abstaining from any attendance on it.

Mr. *Yorke* observed, that the statement of the right hon. gent. had placed the house under very aukward circumstances; because, if the Committee should be reduced as proposed, after the stigma cast upon it by the observations of the hon. gent. (Mr. Bankes), it would be quite impossible, that the public should have any confidence in its proceedings. If the opinion should go abroad, that the Committee had been revived under any suspicious circumstances, the impressions it would make would not easily be removed. It did not become that house to receive a list of the Committee it was to appoint, from any particular member, or set of men; neither from his right hon. friend nor from any other individual in the house. The public would expect, that such a Committee should be selected from all descriptions of persons in the house. But here he would observe, that upon the subject of this Committee much misapprehension seemed to pervade the public, as if a great pecuniary saving was to result from its labours, and consequently a sensible relief from the present burthens. This was an expectation which he did not think would ever be realized. Many salutary retrenchments and useful reforms might no doubt be the consequence, but, in point of an immediate or sensible relief, in a pecuniary way, to the public, little of that description was to be looked to. He did not mean to say that abuses did not exist that might demand reform; and if the Committee was to be revived, it would be better to re-appoint it just as it stood before, than force the house to the invidious task of discussing the merits of particular men. But for his part, he was not quite sure it was necessary to re-appoint the Committee at all. In all events, he thought it would be better to give the house a day for examining the reports already made, and afterwards re-appoint the Committee, if it should appear necessary.

Mr. *Whitbread* agreed, that it would be much better that the Committee should be revived as it existed last session, than in the reduced state proposed; or even that it should not be revived at all, because then no delusion would be practised upon the public. He agreed with the right hon. gent. (Mr. Yorke) that the house ought not to accept a list from any individual, and, if not, *à fortiori*, not from the Chancellor of the Exchequer. But he would put it to that right hon. gent. whether he would not think a nomination of a Committee, coming from the hon. member who first opposed this list, as an independent country gentleman, infinitely better than one from any Chancellor of the Exchequer, be he who he might. The hon. member who first opposed this list, had acknowledged his own suggestion for a reduction of the number of the Committee; but it was obvious to himself that great partiality might be used in the omission of particular names, and the retention of others that were highly objectionable; though he would admit, that some names were left out as objectionable as any that were retained. Upon one name in this list particularly he had objected upon what he conceived to be good grounds. A question had been put upon that name, and his objection was over-ruled; and he certainly should feel it his duty to repeat his objection against it now, and put it again to a question. The public had certainly a right to expect, from the original appointment of the Finance Committee, that much public good would be derived; and, undoubtedly, if the Reports that had already been made had been acted upon, hundreds and thousands, nay, millions of money, might have been saved to the country. Of what effect was it for the Committee to deliberate and report, if their recommendations were to remain a dead letter? Was it expected that they would live centuries?—and centuries they must live to produce any effect, if it was considered that in the whole of the last long session, they were enabled to produce but one Report. The hon. gent. who first opposed this list had shewn the greatest zeal and ability in his endeavours to render the labours of the Committee efficient for the purposes of their appointment; no man was a more competent judge than himself of the men most likely to co-operate with him for purposes so desirable. He therefore thought the house had a right to call upon the hon. gent. for a list of fifteen names of such men as he would wish to act with, and in the name of the country he called upon him to produce such a list. But a list from the Chancellor of the Exchequer was a mere farce, and as such it would be considered by the people.

Mr. *R. Wharton* (Chairman of the Ways and Means) said, that after what had fallen from several gentlemen who had spoken on the subject then before the house, he deemed it necessary, that he, situated as he had been, and particularly objected to on the appointment of the Committee, should request the house to indulge him with their attention till he offered a few observations. He had endeavoured to discharge the trust which the house had done him the honour to confide to him, with every possible degree of assiduity in his attendance, and the most anxious desire to contribute all in his power to effect those important objects which it appeared to him the house had in view, in appointing the Committee of which he had been a member, and which was now intended to be revived. Various important matters had been brought under the consideration of the Committee, upon which various differences of opinion prevailed; in consequence of which, discussions took place, which ended without effecting any change in the opinions of either of the parties; each side having used every means in their power to carry the point respectively insisted upon. It had been stated, therefore, that there were many delays during the time that the Committee was in the exercise of its funcions. He allowed this to be the case, but he was at the same time bold to say, that those delays had, in a great measure, proceeded from a voluminous political treatise which had been introduced by the hon. gent. who was chairman of the Committee, and he believed that every opposition that paper had met with, either from himself, or any other hon. member of the Committee who thought proper to object to it, arose from a consciousness on their parts, that the paper, he alluded to, contained many particulars relative to the prerogative of the crown, and other matters not at all relating to the expenditure of the public money, and which he himself and the gentlemen who thought as he did, from time to time opposed, because they did not think it proper to register the hon. chairman's edict, without having examined its various contents and their several bearings; more especially, as he thought that it contained many things which were never in the contemplation of the house to enquire into when they appointed the Committee. For his own part, he had been actuated by no other motive than a real regard and zeal for the public interest, and as such had pursued the line of conduct which appeared to him most conducive to that end; and he should, therefore, by no means regret his name being left out of the Committee, if the house should think proper to revive it.

Mr. Alderman *Combe* bore testimony to the diligent, active, and enlightened conduct of the chairman, who, in preparing his Report, acted in compliance with a request of the Committee, and in conformity with the general practice of all committees. For his part, he would attend the Committee, because he hoped to benefit the public by so doing.

Mr. *Sumner* thought the attack of the hon. gent. who had spoken last but one as most unkind upon the chairman, to whose diligence and ability he bore ample testimony, having attended as regularly as any member of the Committee. The Report had been produced by the chairman when a return had been made of the public establishments. There had certainly been a considerable difference of opinion as to many very important points among the gentlemen who composed the Committee; but, he believed, none which were made from any other motive than that each individual thought it his duty to oppose every matter which he did not think for the public interest, or not within the view of the house in appointing the Committee. The question respecting Sinecure Places had been debated during five days, and in the end agreed to in a large and full attendance, when there were nineteen members present, and yet that passage, which he should ever regret, as having been left out of the Report, had afterwards been expunged at a meeting which took place, when many of the members of the Committee had left town or neglected to attend, in consequence of an impression that the business of the Committee had been brought to a close for that session: as to the delay that had taken place in the proceedings of the Committee, it was chiefly attributable to the hon. member on the floor (Mr. Wharton) who had spoken no less than eight different times, as he distinctly remembered, upon the passage, to which he had alluded, and yet said nothing in the last seven times that he had not said in the first, nor any thing in either instance, that he had not said seventy times before.

Mr. *Denis Browne* stated, that most of the longest debates had taken place in the Committee upon the subject of certain passages in the political treatise of the hon. gent. which would have gone to disjoint the state, and which, if returned to the house, it would not have acted upon. It was the duty of the Committee in that case to place itself between the treatise and the house. The voluminous treatise had undergone several alterations, and upon one part even the noble lord upon the floor (lord H. Petty), had divided in the majority against the Chairman.

Mr. *Bankes* stated, in explanation, that he had prepared the Report at the request of the Committee, and had read it to the Committee before the Easter Recess, in order that the members might have time to consider of its contents, before they should be called upon to discuss or agree to it.

Lord *A. Hamilton* bore testimony to the diligence, zeal, and ability of the hon. chairman of the Committee. If the Chancellor of the Exchequer should persist in his nomination, and the late chairman should decline to act, the right hon. gent. would not find any other gentleman to sit in the chair. He had only to add, that the hon. gent. opposite (Mr. Wharton) had given himself a specimen of the contrariety of opinions which had prevailed in the Committee.

Mr. *Ellis* said, a right hon. friend of his (Mr. Sumner), had stated, that some alterations had taken place on the last day of the meeting of the Committee. He believed there was some trifling amendment made in one part, of a few words only, "that it might be expedient to reduce the salary of some, and to abolish others;" but this was done after very ample discussion, and in making it there could be no colourable imputation of surprise on the Committee. In the treatise which had been alluded to, there was a dissertation on the increase of the influence of the crown, which, eloquent as it was, contained sentiments of which he could not approve, and he therefore gave it his decided and hearty opposition. Objections had, however, been made as to the style and manner in which several members of the Committee had carried on their opposition. For his own part, he could only say, that he had acted for the best, and he verily believed every other hon. gent. had done the same, and there was certainly not a stronger proof of a vexatious opposition on their part, than on that of the other side.

Mr. *Calvert* observed, that if it was

thought impossible to reconcile gentlemen whose opinions clashed so much as those whose names were proposed, it would be better to nominate a new committee altogether. He recommended proceeding on the Reports already laid before the house.

Mr. *Long* said, that it was not fair in the hon. gent. to argue that so many reports had been made, and not acted on. The first report made by this Committee relative to the Bank had been most carefully attended to and acted on, and the public had already derived considerable advantages from it. In regard to the second, which related to the Pay Office, he had immediately acquiesced in the sentiments of the Committee, and there was not one of the regulations they had recommended that he had not attended to, and so far adopted as was in his power. As some of these would require an act of the legislature, it was his intention to bring it forward, but he had not yet been able to do it. In every other instance the utmost deference had, in that department, been paid to the regulations proposed by the Committee. As to what had fallen from an honourable member respecting a gentleman who had been in the Pay Office, but who was not now a member of the house, an inquiry had immediately been instituted; and he found that the sum, whatever it might have been, had been paid into the office by the gentleman alluded to.

Mr. *P. Moore* said, the allusion he had made on that head was only to express his surprize that Mr. T. Steele had not been prosecuted.

Mr. *Long* said that was not his business.

Mr. *Creevey* said, it appeared somewhat extraordinary that this gentleman, who was a privy counsellor, should, at the time he was Paymaster of the Forces, in the face of an act of parliament, have helped himself to 12 or 14,000*l.* of the public money, and, notwithstanding that after this report he had himself acknowledged he had done so by paying back the money, he should still remain a privy counsellor.

Mr. *I. H. Browne* admitted many disagreeable circumstances had occurred in the Committee, but he believed from no ill intention in any one, nor from any desire to protract unnecessarily the time of the Committee. Many thought a reform as to the power and influence of the crown was necessary, and others that it was not; and he believed each party was actuated by what they really thought to be right. Many of the Committee thought the influence of the crown was the most valuable part of the constitution; of course those would not agree to diminish it: but though he did not exactly agree with either party on this head, and many others, he still thought every one had acted to the best of his judgment.

Lord *Milton* expressed his apprehensions, that after the discussions that had taken place, the appointment of a Committee would not be attended with any good effects. After all the pains and trouble such Committees could take, he could not see that the public burthens would be in the least diminished. As for what had been said respecting the prerogative of the crown, he conceived that if there were persons who held an opinion that it was more necessary to increase than take away from it, they were unfit to be appointed on this Committee. He regretted that when the Committee was first proposed, it had been taken out of the hands of the hon. gent. who brought it forward (Mr. Biddulph), and the nomination of members made by a noble friend of his (lord H. Petty), then chancellor of the exchequer. This was a fatal precedent, the effects of which they now witnessed.

Mr. *Biddulph* bore his testimony to the upright and honourable conduct of Mr. Bankes in the Chair, and defended the character of the late Committee. But this was not the immediate matter before the house; they were to look prospectively and not retrospectively. If ever a Committee was necessary, he thought this was the precise period when it was most so, as public economy was now more requisite than ever to the well-being of the state. In order to reconcile the different opinions that had been stated, he proposed that the names of gentlemen as members of the Committee, should be called from both sides of the house alternately.

Mr. *Brogden* condemned the course pursued by the chairman and those who supported him in the last Committee, on account of their introducing into their Reports matters foreign to the purpose for which they were instituted, such as the king's prerogative, the privileges of parliament, &c. He and those who were of his opinion in the Committee, opposed these innovations, and wished to confine the Report entirely to what they thought the only object of their labours, namely, the reform of every abuse in the expenditure of the public money.

Mr. *Ellison* did not think that any set of men had ever entered on their duty with a more earnest desire to discharge it than the members of that committee. He contended, however, that in the course of their proceedings questions had been introduced, not, in his judgment, by them cognizable, and foreign to the objects of their consideration. He had no doubt of the zeal and industry of the chairman, but he did differ with him as to the purport of part of his voluminous Report, which, in his opinion, went too much to trench upon the royal prerogative, and differing from him he would act in conformity to his own judgment and not give himself up altogether to the *ipse dixits* of any individual. 'Nullius addictus jurare in verba magistri.' On that one ground, he dissented, *toto cœlo,* from that hon. gent. as he was not of opinion that such great constitutional questions fell within their cognizance.

Mr. *Bankes* said, that notwithstanding the prescribed limits of explanation, he could not sit in silence and hear that Report which he had submitted to the committee branded with the character of entrenching upon any one of the royal prerogatives. He denied it; and in the fullest and strongest manner one gentleman could contradict another, asserted that such an opinion of that Report was false and unfounded. (Order, order.)

Mr. *H. Thornton* entirely agreed with Mr. Bankes in his opinion of that Report. He thought it would be wrong to put the same men again on the same Committee who had hitherto so disagreed.

Mr. *Sharp* was willing to do justice to the labours of the last Committee, but observed, that there had been sins of omission as well as commission, and that if those were not filled up by the next Committee, he should call the attention of the house to do it at a future period.

The *Chancellor of the Exchequer,* in reply to the arguments that had been adduced against his proposition, noticed a threat of an hon. gent. to put some one on the bench where he sat, on their defence. If it was to himself he alluded, he could assure him that he could not do him a greater favour than to make any charge against him the subject of early investigation. [Here Mr. Moore signified that he did not allude to the right hon. gent.] If then, continued he, the hon. gent. alludes to any of my friends near me, I will affirm in their names that they will be as desirous to meet early inquiry into their conduct as I could be.—There was also some blame attached to the not laying certain accounts before the house, and the hon. gent. had said he would not give a vote of supply till the appropriation of the last year's Supply should be accounted for. In answer to this he had to observe, that there was an act of parliament prescribing the time when those accounts were to be produced, and if any delay should take place, he would be the first to agree in a motion for its being satisfactorily accounted for, but if the hon. gent.'s principle was acted on, it would go the length of putting a stop to all the money business of the nation.—It had been said, that former Reports had been thwarted and suffered to remain a dead letter, but this assertion had been so completely refuted by his right hon. friend (Mr. Long), that he found it unnecessary to trouble the house any further upon it. His rt. hon. friend had, however, abstained from mentioning, that it was from his own evidence that the Committee had been enabled to make up their able Report on the subject of the Paymaster of the Forces Office, and to supply those suggestions of Reform which he afterwards carried into execution. As for the Reform suggested with regard to the Bank, he was sure the chairman of the Committee would bear him out in saying, that, although it had not proceeded so far as he wished, yet government had applied themselves faithfully to the opinion of the Committee, and achieved a very considerable public service, by enforcing their suggestions.—On the mode of constituting this Committee there were a variety of opinions. Some preferred the reappointment of the old Committee; others seemed to think, that it would be better that it should consist entirely of new names. The noble lord on the other side (Milton) seemed to be of this latter mind. A principal object, however, was to expedite the inquiries of the Committee, and he could by no means see that he should be doing so by composing it of members entirely unacquainted with the progress already made in the business. As to the idea of constituting the Committee as it formerly stood, if that could reconcile the hon. gent. who had been the chairman of the Committee, again to accept that office, he should willingly fall in with it; but he had understood from that hon. gent. that he would be equally dissatisfied with the Committee as it formerly stood, as he was with the reduction now proposed. He hoped, when that hon. gent. reconsidered the matter, and reflected on the importance which the house and the public attached to his being in the chair of that Committee, he would be disposed again to accept of the situation; in doing which, he would discharge his public duty more meritoriously than by declining the office. The noble lord opposite (lord H. Petty) had gone farther, however, than the hon. gent. That hon. gent. had not declared that he would not consent to be of the Committee; he had only intimated his disinclination to resume the chair of it. But the noble lord had gone further. If he could not get the chairman he wished, he had declared that he would act not at all. Another hon. gent. (Mr. Whitbread) had stated, that he could not accept of a Committee nominated by any chancellor of the exchequer. He begged of that hon. gent. to look back to the period of the original institution of this Committee, and he would find that it had been nominated by a chancellor of the exchequer, whom the hon. gent. supported. The idea of the Committee, he begged it to be recollected, did not originate with the noble lord (Petty). He took it out of the hands of the gentleman who originally suggested it, (Mr. Biddulph); whose name even had been left out of the Committee as originally proposed by the noble lord; and so far were the 21 names then nominated from being a fair selection, taken impartially from both sides of the house, that 19 out of the 21 were names of members who uniformly voted with the noble lord. He challenged a comparison of the list now proposed by him with that proposed by the noble lord, and trusted the house would see it was infinitely more impartially selected.

Mr. *Ellison* hoped he might be allowed to notice the language of an hon. member towards him. He had spoken of that hon. gent. with the highest respect. He had given him credit for the ability and integrity which he was universally allowed to possess, but the hon. gent. had applied towards him an expression highly improper and unbecoming, and for which, if he had used it to any man, he should have found himself bound to apologize. This was a duty which he had a right to expect from the hon. gent. and he hoped he would discharge it, by qualifying the expression he had used.

Mr. *Bankes* said he had no objection whatever to qualify the expression. The use of the term false, if meant to convey the idea of a person's asserting as true what he knew to be false, he was satisfied could not be allowed in civilized society. He did not, however, use the expression in that sense, nor did he mean to convey the slightest impeachment of the hon. gent. as a public or private man. He only meant that the hon. gent. had taken an unfair view of the subject, and that the opinion he had formed of the Report was erroneous and false. If that explanation was satisfactory to the hon. gent. he should be glad of it. He could say no more: he was still satisfied, that the hon. gent. and other members of the Committee had proceeded on mistaken and erroneous principles, and that their view of the Report was a false and erroneous one.

Mr. *Ellison* declared himself satisfied.

The *Speaker* said, that nothing had occurred in this debate which should be borne in memory after this night.

Mr. *Ponsonby* said, that the difference between his noble friend's (lord H. Petty's) list, and that of the right hon. gent. was, that the noble lord's list had not been objected to as one of which the hon. gent. (Mr. Bankes) refused to act as Chairman: but the present list had the misfortune to be of that description. As to the noble lord having selected 19 out of the 21 names from the side of the house on which he himself sat, that was by no means an unnatural proceeding, he being no stranger to the fact, that the right hon. gent. and his friends were not remarkable for their attachment to reform.

Mr. *Johnstone* expressed strong regret at the turn the discussion had taken. If the hon. gent. retired from his situation of chairman of the Committee, in the way he had stated, it would produce an impression throughout the country not favourable to that house. He objected to the proposition reducing the number from 25 to 15, which if it had not been made we should have been free from the evils of this debate.

Mr. *Wilberforce* thought it would be very material that the house should have somewhat more time allowed them to consider of this matter. The appointment now proposed, was such as to induce the hon. chairman to refuse again accepting that office, which he had formerly filled with much advantage to the country and honour to his own character; and therefore—

he begged the house to pause before they adopted a line of conduct that would have that effect. He could not help regretting, that the parties did not seem more disposed to give way to each other, so as to come to some conclusion beneficial to the character of the house and the country. As it was perfectly necessary that something should be done, he should propose, that the house should come this night to a conclusion, only that a Committee be appointed, in order that a subsequent motion for an adjournment might be made upon it.

The motion, "that a Committee be appointed, &c." was then put and agreed to.

Mr. *Wilberforce* then moved, That the debate be adjourned to Friday next.—A division took place, when there appeared, for the Adjournment, Ayes 62, Noes 124, Majority 62.—We were not again admitted to the gallery, but understand that the question was put on every alternate name in the list offered by the Chancellor of the Exchequer; against which another name was proposed by the other side. The house divided seven times on these names, and those proposed by the Chancellor were all carried, the numbers on every division being about 131 to 47.

[SIR JOHN MOORE'S DISPATCHES.] Mr. *Whitbread.* I would wish to put a question to a noble lord opposite (lord Castlereagh), which the non-formation of a house yesterday prevented me from proposing sooner. I would wish to know why in the London Gazette there have been no dispatches published as coming directly from the gallant and much-lamented sir John Moore? I hope that it is only an omission in the documents printed, which his majesty's ministers mean to remedy by a speedy publication of them.

Lord *Castlereagh.* I think it is a novel mode of procedure to put questions to his majesty's government, as to the line of conduct they should adopt. I can assure the hon. gent. and the house, however, that there has been no opinion given in the dispatches received by government as to the transactions in Spain, which we shall not be happy to communicate. The dispatch he alludes to was not a dispatch which that gallant and much-lamented officer considered as an official one when he framed it; although at the same time he thought it right to submit it to government, to give what parts of it they thought proper to the public. His majesty's government have always advised his majesty to make as full communications to the public as possible, consistent with the circumstances of the case to be stated. Nothing could have been more honourable to that gallant officer than the dispatches he has transmitted; and I believe it was his last wish, that government should use their discretion in regard to the publication of them.

Mr. *Whitbread.* I certainly think that if that gallant officer expressed any wish upon the subject, that ought to have been an additional reason for a more ample publication of them.

Lord *Castlereagh.* That hon. officer expressed no wish for a full publication.

General *Stewart.* As it may appear that the lamented general may have communicated his exact sentiments at the moment these dispatches were written, by their becoming hereafter public, I think it may be necessary to state what he said to me at the time he sent them off. He said he was extremely hurried at the time of sending home the dispatches; and he had not leisure to write so fully as he could have wished; and therefore as he had endeavoured to do his best in regard to the communication he was making, it must be entirely confidential, leaving it at the same time to government to publish such parts of them as they might think right. He rather expressed a wish that they should be published, for if it transpired that he had sent home dispatches, and nothing was to be published, it might appear extraordinary; at the same time leaving it entirely to the discretion of government. Certainly, some parts of the dispatches alluded to are of a delicate nature, but, as the greater part of them do so much credit to that great and lamented character, I am satisfied my noble relation would have published them more fully, if he had been aware of the anxiety of that general himself, and if the hurry of business had permitted him to discriminate with accuracy what might be made public without detriment to the public service. I trust, therefore, that the greater part of these dispatches are such as ministers may approve for publication, as I am satisfied that it will be to the army the greatest gratification they can receive.

Lord *Castlereagh.* I certainly did not understand that the hon. and lamented officer had expressed any such anxious wish upon the subject: if I had thought so, I would certainly have endeavoured to discharge, to the utmost, that duty which appears due to his memory. I can, however, assure the house, that government made such a communication as they, at the time they received these dispatches, deemed expedient. Since it has been his wish, I certainly shall endeavour to execute it to the utmost of my power.

HOUSE OF LORDS.

Wednesday, January 25.

[Vote of Thanks—Battle of Corunna.] The Earl of *Liverpool* rose to move the Thanks of the House for the defeat of the French before Corunna. The circumstances which led to the embarkation of our troops in Spain, were, his lordship observed, not now the subject for discussion, but the manner in which that embarkation was effected, and the victory which preceded it. He had always understood, that an attacking army had, even with no more than equal numbers, a tenfold advantage over the army assailed, the former having all the benefit of a preconcerted plan of operations, and dispositions made to carry that plan into effect. How much more, then, must the enemy have the advantage in an attack with greatly superior numbers, and at a period when our army had been harassed by a long and fatiguing march. Yet, with all these disadvantages on our side, the valour and good conduct of British troops decidedly prevailed, and the enemy were every where repulsed. The defeat was so complete, that the enemy did not venture to make another attempt to interrupt the embarkation, which was effected in the most perfect manner, not only the troops having been embarked, but also the horses, the sick and wounded, and the prisoners taken in the action. We had to regret the loss of some valuable officers in the battle, but we had more particularly to lament the loss of the illustrious officer who commanded. The whole life of sir John Moore had been exclusively devoted to the service of his country, and there was scarcely any service of importance in the last two wars in which that gallant officer had not been employed. Sir John Moore had upon every occasion displayed the same zeal and ability, and by his skill and science, and latterly by his experience, had acquired the entire confidence of the officers employed under his command. The fall of such a man was, indeed, a loss deeply to be lamented, and which, he, to whom sir John Moore was personally known, sensibly felt. It was, however, some consolation that the memory of such a man would remain; that his example, that the example of one whose death was as glorious as his life was honourable, would have the best effect in leading on others to emulate his conduct, to obtain the same honourable place in public estimation, the same strong hold of the admiration and gratitude of their country. His lordship observed, that in wording the motion, the precedent of Egypt, in which the gallant Abercrombie fell, had been followed, and concluded by moving the Thanks of the House to lieut.-general sir David Baird, second in command of the army in Spain; lieut-general the hon. John Hope, who took the command on sir John Moore's receiving the wound, which terminated in his much lamented death, and to the other officers employed.

The Earl of *Moira* entirely concurred in the motion, and in every tribute of praise and gratitude that could be given to the army which had so gallantly achieved a victory, after suffering so much fatigue and so many privations. To sir J. Moore every tribute of gratitude was due for his able, skilful, and gallant conduct, and he deeply lamented his loss. But in giving this concurrence he could not avoid putting a question to ministers, and asking, how it happened that so heavy and lamentable a loss should have been sustained, without any one object having been effected, except the embarkation of the army? What! did our troops go to Spain only to make their escape? What was now to become of those great interests the protection of which was the greatest boon that Providence could have bestowed on a sinking country. British blood and treasure, and the invaluable lives of British officers and soldiers, had been sacrificed to no purpose, and without in the least assisting the great cause which the country had been pledged to support. Thus were we doomed to witness the extinction of our hopes in Spain, and with them we could expect nothing but the extinction of every hope of continental alliance and co-operation. After the conduct we had displayed towards Sweden and Spain, we could expect nothing but a general confederacy against us. To what but the ignorance and incapacity of ministers were all these calamities to be attributed? The circumstances which had led to them must necessarily become the subject of grave and serious inquiry, but he could not avoid now taking the opportunity of stating his opinion upon the subject, and whilst he concurred most entirely in the motion of Thanks proposed by the noble earl, he owed it to his gallant companions in arms to call the attention of the house to that conduct which had placed them in a situation calculated only to produce an useless sacrifice of life.

Lord *Mulgrave* expressed his surprize that any topic should have been introduced into the discussion, which had no immediate relation to the subject under discussion, and which he scarcely thought within limits of order. He should not now enter into the general question touched upon by the noble earl, with respect to the conduct of his majesty's ministers, but should only state, that when the time came for inquiry, they would be ready to meet it, and if they did not satisfy the noble earl, he had no doubt that they would satisfy that house and the country. With respect to the motion, he could add little to what had been said by his noble friend, nor with respect to the lamented loss of sir John Moore, could he add much to what had been said in the very excellent dispatch of general Hope, the sentiments contained in which must have come home to the feelings of every man in the country. His loss would be deeply felt, but he trusted his example would have the most beneficial effects. He hoped that nothing would be introduced foreign to the immediate subject of the present motion, and that it would be unanimously agreed to.

Viscount *Sidmouth* thought concurrence too cold a term to use when stating his agreement in the motion; he viewed with admiration and gratitude the services rendered by the army in Spain, and by its gallant commander, whose loss we had unfortunately to deplore. Having his warmest feelings in unison with this motion, he must, however, reserve to himself the right and the duty of assisting in the institution of an inquiry by some means or other, into the circumstances which had led to the unfortunate situation in which our troops were placed. When that inquiry should take place, he trusted it would be proved that our army did not march from Lisbon at the worst season of the year to a part of Spain where their services could be of no possible use. He regretted to have heard one expression fall from his noble friend (the earl of Moira) that of a "sinking country." He could not agree that this was a sinking country, nor could it be so whilst we had such troops to defend us as those who had achieved the victory, for which they were now properly and justly called upon to vote thanks; whilst we had troops who had now proved themselves superior to the French in infantry, in cavalry, and artillery, in short, in all the branches of service.

Lord *Erskine* said, that whether the noble lord was out of order, in adverting to the misconduct of ministers in their plans of the campaign, upon a motion to thank the officers who had terminated it so much beyond the expectation of the public, was a question he was not particularly qualified to determine. But of this he was sure, that his observations were inseparable from every honest or rational feeling on the subject. Was it possible to deplore the loss of friends whom we loved, and of men whose lives were precious to their country in a most awful crisis, without lamenting in bitterness that they were literally immolated by the ignorance and folly of those who now wished to cover their own disgrace, by the just and natural feelings of the public, towards men who had died for their country? But for their immortal renown, it would have been better for them, certainly much better for their country, to have shot them upon the parade of St. James's park, than to have sent them, not to suffer the noble risque of soldiers—and in a practicable cause, but to endure insufferable, ignoble, and useless misery, in a march to the very centre of Spain, when they who sent them knew that Buonaparte had above 100,000 men before them, so as to render attack not only impracticable, but retreat only possible; by the noble, unparalleled exertions they were assembled to commemorate: and what sort of retreat?—a retreat leaving upon the roads and in the mountains of Spain from 8 to 9,000 of our brave men, dying of fatigue, without one act of courage to sweeten the death of a soldier.—What could, then, be a more disgusting and humiliating spectacle than to see the government of this great empire, in such a fearful season, in the hands of men who seemed not fit to be a vestry in the smallest parish.—The noble lord said, he felt as much for the fame of the immortal officer deceased as any of their lordships could possibly feel. He knew him well. He lived in terms of intimacy with his family, and he admired his superior talents. He had another interest in the fame of the victory. Though the two countries were united so as to have long put an end to all national prejudices, he might be forgiven if he felt pride and exultation that his smaller country had more than contributed its quota to the glory of the united empire. He felt pride and exultation that sir John Moore was a native of Scotland; that Baird was a native of Scotland; that Hope was a native of Scotland; and that Fraser and M' Kenzie were natives of Scotland; that Anstruther was a native of Scotland; and that Ferguson was a native of Scotland. But this national pride only increased his indignation, to see such men and such resources utterly thrown away and lost, by the total want of capacity in those who misdirected their efforts.

Lord *Grenville* also entirely concurred in the motion, and praised in the highest terms the conduct of sir John Moore. They were called upon, it was true, to vote Thanks for a success, which was followed by a retreat, but the success belonged to the army and its commander, the retreat to those who sent them and who placed them in such a situation, that a safe retreat could alone be looked to; for the folly and incapacity which dictated such conduct, ministers must answer to their country. It was, indeed, a " sinking country," if such mismanagement was suffered to continue, situated as we were in the midst of perils and difficulties unexampled in the history of the country. The hand of Providence appeared to be on us; within three years we had lost two great statesmen, in whose talents the country reposed the greatest confidence; a great naval commander who had carried the navy to a pre-eminence which it never before enjoyed; and now a great military chieftain, whose talents were of the first order, and than whom no one possessed in a greater degree the skill and science of an able commander. He trusted that every tribute of gratitude would be paid to sir John Moore. The last expression of that excellent officer was a wish that justice might be done to his memory, and he trusted that that wish would be complied with and carried into effect, and that his last dispatches would be published in order to do justice to his conduct.

The Earl of *Westmoreland* recalled to the recollection of noble lords opposite, the expeditions to Alexandria, to Constantinople, and South America, and expressed his surprize that they did not at those periods state that all the blame of unfavourable military events was to be attributed to ministers.

The motion was agreed to *nem. diss.* as were also a motion approving of and acknowledging the services of the non-commissioned officers and soldiers, a motion of Thanks to rear-admirals De Courcy and sir Samuel Hood, k. b. for their assistance, and another approving of and acknowledging the services of the seamen and marines upon that occasion.

HOUSE OF COMMONS.

Wednesday, January 25.

[Minutes.] Sir T. Turton rose and said, he held in his hand a Petition from persons confined for debt in the King's-Bench prison, to the number of 367, many of whom had families. He had intended to submit some observations to the house on the unprecedented number of persons at present confined for debt in the different gaols of the kingdom, and the hardships which were produced by the present system of confinement for debt; but as the subject had been taken up by a noble lord in another house, he should at present content himself with moving for leave to present this Petition.—Mr. Whitbread, seeing a right hon. gent. in his place, wished to ask, what was the nature of the Overture which it was said sir James Saumarez had made, on the part of his majesty, to the emperor of Russia? Mr. Sec. Canning replied, that the Paper alluded to was nothing more than a letter written by that gallant officer to the Emperor, filled with merely general assurances of the pacific inclinations of his majesty; but containing no direct proposal from his majesty's government, nor written under any authority whatever from that government.—Mr. Sec. Canning said, that in consequence of the question put by a noble lord yesterday, relative to the appointment of an hon. member of that house to the Consul-Generalship of Portugal, he had endeavoured to make himself more competent to satisfy the noble lord, than either he or his right hon. friend was yesterday. The appointment had taken place, and he imagined that the gentleman in question had, by that time, arrived at his destination. Lord Folkestone then gave notice, that he would to-morrow move for a new Writ for Poole.

[Monument to the Memory of Sir John Moore.] Lord *Castlereagh* began by observing, that before he would call the attention of the house to the detail of the splendid services, which they were that might to be called upon to recognise, he could not help remarking, that there seldom occurred an occasion when parliament was so called upon, in which the joy so natural on the event of a glorious victory, was mingled with sensations of deeper and more profound concern than that, which, in bringing to their attention a topic of great national triumph, brought along with it the remembrance of a national loss in the death of a great and invaluable officer. While the country had to deplore so serious a disaster, in being so soon deprived of one of her ablest generals—possessing in an eminent degree every valuable quality that can dignify the man, and enhance the superiority of the soldier; at once in the prime of life, and the prime of professional desert—giving in the evidence of his past life, the best assurance of what might be expected from his zeal, intrepidity, and talents; it was yet matter of grateful consolation, that there were circumstances attending the fatality they deplored, which would in a great degree alleviate the national affliction. Though wounded at an early period of the action of the 16th by a cannon ball, the gallant officer continued in the field, and it will be grateful to every man who can enter into the feeling of an intrepid soldier at such a moment, with whom life was but a secondary, a trifling object of consideration; it cannot but be grateful to such men to know, that he continued in the field till he saw success confirm the well-judged dispositions and admirable arrangements, he had previously prepared to secure it, in the event of a contest. He brought with him out of the field not only that consciousness, of which no defeat could have deprived him, that of having done his best for his country; but, that also of having been the means of asserting the military superiority of the British arms, in one of the most splendid and signal instances of unconquerable valour to be found among the annals of our national achievements; it would be further matter of grateful consolation to learn, that this great commander, to the very moment approaching his dissolution, retained the full possession of his faculties, that his mind did not droop with the faintness of his body, but seemed to derive new and increased vigour from the scene, as if the approach of death was forgotten in the approach of victory. (Hear! hear!) The house would know how to appreciate the generous principle, that in such an hour made death indifferent, when the sole and anxious wish of his departing moments was—that his country would think well of him, and do justice to his memory, and that whatever was the sentiment of the country with regard to him, that it would not fail to be marked at the present crisis. All that he regretted was, that he had not been able to fulfil all the duties imposed upon him, and finally to rescue from the tyranny of France, the gallant but oppressed nation, in whose cause he bled. He did think that the house was called upon to give some lasting and distinguished proof of the country's gratitude, for the high and eminent services of this lamented officer, nor should he think it necessary to qualify what he had said, nor should he even rest the pretensions of that great officer upon his services during the late campaign in Spain; for however that expedition had failed in its ultimate object, whatever disappointment or losses might have occurred with respect to it, there could be no doubt whatever, that the failure was not at all attributable to sir John Moore. (Loud cries of hear! hear! from the Opposition benches.) If by that outcry, gentlemen would be understood to mean that the blame devolved elsewhere, and that his majesty's ministers were culpable (hear! hear!)—those gentlemen would have an opportunity of bringing that question to an issue, when without mixing the venom of party-feeling with sentiments more suited to the present solemn occasion, they could enter at once into the inquiry with somewhat less reserve, and certainly more decency—(loud cries of hear! hear! from the Ministerial benches)—and strong as he felt himself in the cause of that great officer's fame and character, he was bold to say, that he felt himself equally strong in the case his majesty's government had to make out to the country with respect to the conduct of that campaign. It was far from his intention to enter into any detail of the many and signal services performed by sir John Moore, in the course of a life, though short, most active, because he felt that the faint picture his humble abilities enabled him to draw would fall infinitely short of the merits he designed to celebrate. They were sufficiently fresh in the remembrance of the house, and he should rather weaken than strengthen their claims on public gratitude, by dwelling upon them. Still, however, there were one or two points which it would be a failure in gratitude to pass by without particular notice. The first point to which he would call the attention of the House, was the condition of the army on its arrival at Salamanca, after its march from Lisbon—a march which, whether they considered the extent of the country, the unusual inclemency of the season, or the arrangements necessarily resorted to, was difficult beyond description, and imposed upon sir J. Moore as arduous a task as could possibly devolve upon any commanding officer; and yet, owing to his admirable management, never did an army appear in a state of more perfect discipline, of more complete equipment, in higher military condition, and more competent in every respect (with the exception of numbers) to meet and encounter an enemy, than did that army on its arrival, after a severe and fatiguing march, at Salamanca. The march by land was the option of sir John Moore, not from any deficiency of transports, but from the then efficient state of the army, and he (lord C.) did consider it a most judicious preference on the part of sir John Moore; as he did not think, that an army assembled at that period in Gallicia, if conveyed by transports to the northern extremity of Spain, would have had as good an opportunity for co-operation with the natives, as it might have had on its arrival in a more central part of Spain, after its march through Portugal.—The next circumstance he should advert to was, the diversion effected by sir John Moore's retreat in favour of the Spaniards, and never was there in the military history of any country a more complete diversion; for, he had completely succeeded in drawing to the northern extremities of the peninsula the efforts of the French forces from the track of the Spanish armies: in effecting this great diversion, sir John Moore had secured an object of not less importance, by asserting the national honour in the brilliant result of the action with Marshal Soult's army. The more the circumstances of that action were examined into, the more illustrious an instance would it appear of the matchless gallantry of British troops, after suffering all the hardships of a march of unexampled severity, pressed upon continually by an army of considerably superior force, amid the rigours of a season peculiarly inclement, where human strength was exhausted by the rapidity of their movements, the consequence of forced marches, so that none but the choice troops of each army, who had surmounted all these difficulties, remained to be opposed to each other; notwithstanding all these circumstances to fight a battle, and not only obtain a victory, but obtain it in a way so decisive, that they had leisure to embark every individual of their forces in the presence of a superior army, whom they had beaten the day before, and did not leave a single wounded soldier, nor one solitary piece of artillery behind them, which French artifice could convert into the slightest pretence of national exultation.—He was unwilling to add any other to the splendid instance just mentioned of what British valour could do when properly conducted. It behoved the country to mark, with extraordinary distinction, such extraordinary services. He should move for a Monument to the memory of sir John Moore, as an effectual incitement to those who survived him to merit the same great distinction, by imitating the example he had bequeathed them. — The noble lord then concluded with moving, "That an humble Address be presented to his majesty, That his majesty would be graciously pleased to direct that a Monument be erected in the Cathedral Church of Saint Paul's London, to the memory of lieut.-general sir John Moore, knight of the Bath, late Commander of his majesty's forces in Spain, who after an honourable and meritorious life in the service of his country, which deeply laments his loss, was killed by a cannon ball in the battle of Corunna on the 16th of Jan. 1809, where, by his judicious disposition and successful commencement of the engagement, he secured the complete repulse and signal defeat of the enemy, and the safe and unmolested embarkation of his majesty's Army in the face of a French Army of superior force; and to assure his majesty that this House will make good the expence attending the same."—On the question being put from the chair,

Lord *H. Petty* rose and said; There can, sir, be but one sentiment in this house upon the present motion; nor is there, I am persuaded, an individual within its walls who does not feel that sentiment fully and forcibly. All minor considerations are forgotten in the involuntary tribute of national gratitude to the services that have added new splendour to the national character; and when such a subject is before us, it is well that no feeling arising out of any political differences be allowed for a moment to interfere with the nobler sympathy by which we are bound, in common, to acknowledge and commemorate distinguished service rendered to our common country. Sincere as was the pleasure I felt at hearing the motion of the noble lord, I experienced no less satisfaction in hearing the speech which prefaced it. I was glad to hear the noble lord do such justice to departed worth, and glad to perceive that he was so well inclined to do that justice. In all his sentiments relating to the merits and claims of the great man we have lost, I entirely concur, and join with him in the strong terms in which he has expressed them, as terms no less just than emphatic; and if I had had no other cause for rising than merely to express my satisfaction at the speech of the noble lord, I should have risen to have done so. But, sir, I cannot possibly stop here, in justice to the great man who was the object of the noble lord's eulogium. I trust that his sentiments may go forth, that the public may know what he and his colleagues really think of the services we are now called upon to recompence; that they may be satisfied that the government of this country does know how to appreciate the value of one of her greatest ornaments, and that they may not be so far deceived by the obtrusive servility of a venal press as to conclude its sentiments on the merits of that admirable officer to be merely the echo of its masters. We are now assembled, with one accord, to do justice to the memory of a man whose loss has thrown a shade upon the splendour of victory; and while we are so employed; while we are paying the last pious tribute of our country to the sacred memory of her departed brave; while we are rearing lasting memorials at once of our gratitude and our glory—is it to go abroad that a part of that venal press, which would enlist itself into the service of the minister, was authorised to counteract the professions of ministers themselves, the sense of that house, and the wishes of the country, by assiduously circulating slanders, poisonous to the fair fame of that great character which is now peculiarly our own, and which our vote of this night will go to identify with the honour of the country? I would be far from imputing to the noble lord the having given the print in question any such authority. I have a right to conclude, that his opinion of the transcendant merit of the distinguished officer whose loss we have so much reason to deplore, is as high as any entertained by any member of this house [here lord Castlereagh signified his assent;] and when I allude to this pitiful attempt of a journalist to tear from a gallant soldier's grave the laurels his country's wishes have planted there for ever, it is merely that the attempt may be marked and exposed to merited reprobation—an attempt which, when once the sentiments avowed by the noble lord this night shall be made public, will never again be repeated: the editor will see his error, in his mistaken anticipation of the opinions of those he wishes to please, and desist from a repetition of his calumnies. It becomes us, however, as the guardians of the public honour, in vindication of our judgment in discriminating, and our sincerity in rewarding, while we are erecting a monument in commemoration of the great general who is gone, not to look with indifference at any base attack upon that less perishable memorial he has left us—his character—dearer to him than monuments, and more durable than marble. (Hear! hear!) In saying this, I would not be understood to insinuate, that though death canonized great men, it should yet be a shelter for misconduct. If there has been misconduct, trace it to its proper source; visit its consequences upon its proper authors; but let every vile attempt to transfer the blame from the guilty living to the blameless dead be scouted with a manly and an honest indignation. I am not for repressing useful investigation, but for restraining wanton calumny; and at least until those brave partners in his hardships and his glory are landed on our shores, who are the most competent evidences to his merit, it is not too much to expect, that till then, at least, the voice of censure be suspended.—The noble lord repeated his approbation of the motion, and sat down amid cries of Hear! hear! from all parts of the house.

The motion was then put, and passed *nem. con.*

[VOTE OF THANKS—BATTLE OF CORUNNA.] The Thanks of the house were then voted to lieut. gen. sir David Baird, second in command, to lieut. gen. the hon. John Hope, who succeeded during the engagement to the command of the army in the field of battle, to lieut. gen. Alex. Mackenzie Fraser, major-generals lord W. Bentinck, Coote Manningham, the hon. Edward Paget, Rowland Hill, W. Carr Beresford, Henry Warde, and James Leith, brigadier-generals John Slade, Moore Disney, and Henry Fane, and to the several officers who served in the army under the command of the late lieut. gen. sir John Moore, for their distinguished conduct and exemplary valour displayed in the battle of Corunna, whereby the complete repulse and signal defeat of the enemy, on every point of attack, was effected, and the safe and unmolested embarkation of the army secured in the presence of a French army of superior force."—It was also resolved *nem. con.* "That this house doth highly approve of and acknowledge the distinguished discipline, firmness and valour, displayed by the non-commissioned officers and private soldiers of the army under the command of the late lieut. gen. sir John Moore, in the battle of Corunna; and that the same be signified to them by the commanders of the several corps, who are desired to thank them for their intrepid and exemplary conduct."

Lord *Castlereagh* then said, that as great part of the glory and splendour of the transaction was owing to the spirit, activity, zeal, and enterprize of the navy, he was sure the house would most readily agree to bestow on the officers and men engaged in that part of our service the same distinguished mark of their approbation as they had just accorded to those of the army. He moved, therefore, the Thanks of the house to rear-admiral De Courcy and rear-admiral sir Samuel Hood, and the officers under their command, for their exertions in aiding the enterprize of our troops at Corunna. Also an acknowledgment to the non-commissioned officers and seamen, of the approbation of the house for their exertions, activity, and zeal on the same occasion.—Both the resolutions were put and agreed to *nem. con.*

[VOTE OF THANKS—BATTLE OF VIMIERA.] Lord *Castlereagh* rose, to make his motion for the Thanks of the house to sir Arthur Wellesley, and the officers and men under his command, for the brilliant victory they had obtained at the Battle of Vimiera.—Whatever differences of opinion might have taken place, or might at that moment exist, as to the various matters which had occurred since that brilliant achievement, he was sure there never was, at any period of our history, a stronger burst of national gratitude than that which was universally proclaimed by the people of this country on the receipt of the first intelligence of the gallant and glorious Victory of Vimiera. He was happy in being able to separate this short, but memorable Campaign from any circumstances, not so favourable, which might subsequently have attached to it; and he had no doubt but the house would be ready to coincide and go along with him in opinion, that the success and glory attending the splendid event of the Battle of Vimiera, on the 21st of August last, deserved the highest admiration and the warmest thanks of that house and of the country. It was impossible to find in the military annals of G. Britain, a more glorious instance of the superiority of her arms, than had been given on that occasion. We had had our victories of Egypt and Maida; but however brilliant those of any former period, none had ever exceeded that of which he was then speaking, which had afforded us a further striking and unquestionable proof, that whenever or wherever we had brought our troops into action with the French, they had shewn themselves greatly superior in courage, hardihood, and discipline.—They proved, that meet where we would, under advantages or disadvantages, whether in infantry, in artillery, (as was shewn at Vimiera), or in cavalry, (as the late campaign in Spain most decidedly evinced), the British soldier could maintain the same superiority over our foes as the British sailor did, and that the only difference consisted in the limited scale on which the former were, from the nature of our situation, employed. It was a fallacious mode of reasoning, to consider G. Britain as capable of acting a principal military part on the continent; her share must necessarily be subordinate and auxiliary, but these events showed, that if the cause of the world rested on the British arms, it would rescue the world from the tyrant, under whose sway it now groaned.—He did not wish to enter into a circumstantial detail of the campaign in Portugal, but it would be unjust not to call the attention of the house to the splendid action performed on the 17th of Aug. which, though limited in character, and not equal in extent, did not yield in glory to the Battle of Vimiera itself. The enemy were driven from one of the strongest positions that a body of troops could occupy, and an earnest given of what was afterwards realized in the immortal Battle of the 21st. He was sure it was not from any partial feelings towards the illustrious general who commanded on these occasions that he spoke; for much as he esteemed and admired him, it was impossible that any private feeling could enhance, in his mind, the honours of an action which would for ever remain a most signal example of excellence in the military art. It was no mean triumph to overcome the best troops of France, in possession of a country and every thing necessary for the maintenance of the advantages they enjoyed, with a body of men who were only provided with what could be supplied in a short time, and so completely to overthrow them that one fourth of their force was destroyed, and of 21 pieces of artillery they could only bear eight from the field. If such distinguished results were attained without cavalry, what might not be expected from a British force, completely appointed. He understood it had been hinted in another place, that the Thanks of the house ought to be extended to another individual, who was an officer in high command on that occasion. And therefore the noble lord wished to be perfectly understood, in the motion he should have to submit, not to intend the slightest disrespect towards sir H. Burrard. No one was less disposed than himself, to hurt the feelings of that officer, than whom he did not believe there was a more gallant, or one of a more enlarged soul, in the British empire. A proof of his generous and manly feeling had been given, in his refusal to take any share in a transaction which redounded so much to the glory of sir A. Wellesley. When he had mentioned the matter to his majesty, of the intention to confer the Thanks of the country upon sir A. Wellesley, his majesty expressed his approbation of the liberality of sir H. Burrard in not taking the command on that day; and it would, in his opinion, be doing an injury to that gallant and meritorious officer, to mix him in that vote of Thanks. All the military merit of this campaign, was exclusively sir A Wellesley's, and this was not the first instance in which the house was called on to vote an approval of his gallant and distinguished conduct. He had commanded a larger army than that with which he conquered at Vimiera, and the battle of Assaye, with the uninterrupted display of the most excellent military talents throughout an Indian campaign, had qualified him, in an eminent degree, for the trust there reposed in him. Military experience had ensured him that success which ever accompanied his brilliant career, and carried with him the confidence of the house as well as the enthusiasm of the army.—From the moment sir A. Wellesley landed at Mondego Bay to the day of the glorious achievement which was then the object of frequent praise, his dispositions of the army were such, that there was not a man, from that distinguished officer general Spencer, down to the lowest drummer in the army, who was not an enthusiast that would cheerfully follow sir A. Wellesley upon any service.—Having submitted these observations to the house, he felt that he had made out one of the strongest cases ever made out, to entitle a general to the honourable testimony of his valour and good conduct which was bestowed by the vote of parliament, and concluded by moving, "That the Thanks of this house be given to the right hon. lieut. general sir Arthur Wellesley, K. B., for the distinguished valour, ability and conduct displayed by him on the 17th and 21st of August last in Portugal, on the latter of which days he obtained at Vimiera over the army of the enemy a signal victory, honourable and glorious to the British arms."—On the Resolution being read,

Mr. *H. Addington* urged his friendship for sir A. Wellesley as an excuse for pressing forward to second the motion. He ran no risk of weakening the ground upon which this motion stood, for if submitted to the whole nation, it would be carried by acclamation. He would abstain from trespassing on the indulgence of the house by following the noble lord minutely or offering any eulogium on the hon. general, his friend, because it was altogether unnecessary, and would be trespassing on the time of the house. Great actions spoke best for themselves; and the splendid deeds for which the house was called upon to vote its Thanks, far exceeded his powers of description. Sir A. Wellesley was at a time of life when much might still be expected, and the course of service so gloriously begun, and so brilliantly distinguished at Assaye, promised a harvest of laurels which would be reaped at the proper periods—whether he was to be employed as the avenger of our wrongs, or the protector of other countries from violence and oppression. With the experience which sir A. Wellesley had acquired, with the prompt courage and coolness for which he was distinguished, what might not be expected from that patriotic ardour, that firm decision, and that calm intrepidity, by which the gallant officer in question had ever been so eminently distinguished, when proper occasions offered for calling them forth? He hoped that no extraneous matter would be introduced into this discussion, however much it might be regretted that the expected consequences had not resulted from this victory.

Lord *Folkestone* said, that disagreeable as the task was, he must dissent from the motion; and he would, as shortly as possible, explain his reasons for so doing. The noble lord had said he was not actuated by any partiality in bringing forward the motion; and he hoped it was unnecessary for him to add, that he was not moved by any feelings of hostility to the gallant general in question in making the objections to the motion to which his duty impelled him. It had, as he understood, always been held, that the thanks of that house should not be voted without the most striking proof of some superior valour and achievement, or that some good consequence highly beneficial to the interests of the country, had ensued. He was willing to admit all the merit of courage and gallantry which attached to the character of sir A. Wellesley, and also the enthusiasm of the army towards him: but he could not see that it had been productive of any such good consequences as, in his opinion, ought to have resulted from it. He admitted the truth of the noble lord's statement as to the enthusiasm of the country when the news first arrived; but he believed that enthusiasm had subsided, and a very different opinion had since become general as to the result of the battle alluded to. The noble lord had said the French were superior in numbers, but he was of a contrary opinion. It appeared from the dispatches, that the French army amounted to 12 or 14,000 men; the British army consisted of from 14 to 16,000 men, besides 1,200 Portuguese troops. By the report of the officers of the Court of Inquiry, which had sat on the results of that battle, it appeared that they could not blame sir H. Burrard for objecting to the advance of our forces. The immediate consequences of that objection were the Armistice and the Convention, of which or of some parts of which, the house had recently been informed, his majesty had expressed a formal disapprobation. Neither of the victories, therefore, appeared to him to deserve the thanks of the house.—Another objection in his mind was, that no mention was made in the vote of the name of sir H. Burrard, to whom he thought great praise was due for the part he had acted, and which it was owned by the noble lord he deserved, for his conduct on that occasion. From all these circumstances, he objected to the Vote of Thanks for the Battle of Vimiera, as he did not think it of that brilliant description to demand a Vote of Thanks, and it fell short of those good consequences which ought to have resulted from it; but on the contrary, the whole of the expedition had ended in a manner that was disgraceful to the country.

Mr. *Fremantle* cordially concurred in the motion. He gave the noble lord behind him credit when he said, that he had no personal hostility to sir A. Wellesley; but he differed from him widely in opinion on this subject; for he believed that this victory possessed all the ingredients which were calculated to do honour to the country, and to call for the unanimous Thanks of the house. He would not speak of the final result of the campaign; but as to this victory, and the course that led to it, there never was any thing more splendid and decisive, and the house would be wanting in the feelings that ought to distinguish the British parliament, unless they marked their sense of gratitude by the warmest thanks. He stated on public grounds, that from the landing at Mondego, to the victory of Vimiera, the whole proceeding formed a splendid monument of the military genius of sir A. Wellesley. But if he were to speak from private feeling he would say, that though from the commencement of his career sir A. Wellesley had deserved the highest applause of his country, there was no occasion when his military genius shone with greater lustre than the present. He agreed with the hon. gent. who spoke last but one, that from what the distinguished general in question had already done, we might form the most flattering hopes of what he would in future accomplish, in the honourable profession to which he was so splendid an ornament; and from the heavy loss we had so recently sustained among our generals, we ought carefully to nourish and encourage all those who had given such pre-eminent proofs of the vast superiority of their talents. He was happy to be able to concur so completely in this motion, from the judicious course which the noble lord had adopted, in confining it to the conduct of the general and the troops.

Mr. *Blachford* supported the motion, and expressed his extreme regret at the treatment his friend sir A. Wellesley received on his arrival in this country, after the brilliant and admirable manner in which he had performed the service entrusted to his management. He had attacked and beaten, whatever might be said to the contrary, an enemy greatly superior to him in numbers; and if the noble lord would examine the documents, he would find it to be so. He was sorry, however, to say, that instead of being hailed as a conqueror by whom the military glory of Great Britain had been enhanced, he had been dragged as a culprit to answer to the charge of being a party to a transaction which he wished to prevent. The Report of that tribunal, before which he had been arraigned, had disappointed the hopes and expectations of the nation; because it spoke with equal praise of the man who won the battle, and of the man who checked the pursuit; of the man who conducted the disposition of the army, and of the man who when the victory was achieved, at ease assumed the chief command. He was far however, from wishing to detract from the merits of the two other gallant generals, or to heighten those of his illustrious friend by a comparison with them; but, certainly, they had no share in the transaction; sir A. Wellesley had performed all the service; sir A. Wellesley was entitled to all the reward. The other officers might, if entrusted with the command from the beginning, have performed the service in the same gallant manner. But here he was not to look to what might have been done, but to what had been done. Sir Arthur had performed the service, and he was entitled to the thanks. The Court of Inquiry had given but cold praise, when they said that he had displayed unquestionable zeal and firmness. These were qualities which every general must possess, unless a traitor or a coward. The performance of a bare duty might screen from censure, but deserved very little praise. Sir Arthur had done more. The disasters of the campaign that was just concluded he thought were wholly owing to the superseding of sir A. Wellesley; for if he had continued in the command, the Convention of Cintra would never have taken place; but, on the contrary, instead of a fatiguing march through Gallicia, he firmly believed our troops would have been employed in driving the French over the Pyrennees. He had been a witness to the whole of the conduct of the distinguished general, to whom the thanks of the house were then proposed to be voted; and in his opinion it deserved every encomium which language could bestow on it. The hon. gent. then adverted to what sir Arthur had done in the East, and what he had done and might do in Europe, and called upon the house to acknowledge the merits of a general who had never been defeated. If, in the course of what he had said, any expression had fallen from him that might be offensive to the friends of the gallant officer who had superseded him, he could assure them, he did not mean to convey the smallest censure on any thing he had done, but merely to express his sentiments as to the conduct and gallantry of the distinguished general who so well had earned and deserved the high reward intended to be conferred on him by the thanks of the house.

Lord *Folkestone* observed, that he had not said that the British troops were superior in number to all the French in Portugal, but only to those in the engagement.

Mr. *Lambe* fully concurred in the merits of sir A. Wellesley: but it appeared that there had been a difference of opinion between sir A. Wellesley and sir H. Burrard at the close of the day. On that subject the Board of Inquiry had given no opinion, and as they had not done so, he thought it would be indecorous in the house to do any thing which might appear to decide that question. If he voted for the motion, it must be with a clear understanding that this point was left as before.

Lord *Castlereagh* said that it was not his object to take the sense of the house, either directly or indirectly, on that question.

General *Grosvenor* concurred in the motion, and thought the noble lord had taken the course which was most agreeable to sir H. Burrard himself. That officer would be more satisfied with the manner in which his merits had been allowed, and he was no stranger to the thanks of the house. It was with pride he would give his thanks in the manner proposed. He concluded with describing the actions of the 17th and 21st of August as of the most chivalrous nature, and worthy of being had in everlasting remembrance in the circle of the soldier, and by paying a warm tribute to the merit of sir A. Wellesley, who had conciliated the love and respect of the private soldier, deserved the most hearty applauses of his country, and proved himself a veteran in noble daring, a veteran in martial fame, a veteran in the love and admiration of the public.

Mr. *Whitbread* could not give his vote this night without saying a few words. He bore testimony to the judicious, candid, and liberal manner in which the noble lord had brought the subject forward, both with respect to the operations in Spain and Portugal—in resting the whole matter on the real merits of the officers, without entering upon points in which they were not concerned. He would most cheerfully give his thanks for the actions of the 17th and 21st, and acknowledge the conduct, the prowess, the valour, and the gallantry of sir A. Wellesley and the army under his command, from their landing to the conclusion of the victory of Vimiera. But the moment the house was doing ample justice to both, they ought to abstain from fixing a stigma on the conduct of another officer, especially after the loss which he had recently sustained. Sir H. Burrard was the commander of the army on the 21st, and from his judicious conduct had deserved the Thanks of that house; and he was sure that no jealousy could exist in the great mind of sir A. Wellesley on this subject. If sir H. Burrard was so modest as not to aspire to the honour which that house had it in its power to confer, sir A. Wellesley, on the other hand, was too generous to envy the thanks of the house to an officer who had not interrupted him in his career, as had been said by an hon. gent. on the floor (Mr. Blachford) but had refused to interfere with the triumphs of sir A. Wellesley, and while he took the responsibility on himself ascribed in his dispatch the merit to sir Arthur. Could the house depart from the established rule, and refuse to record their Thanks to sir H. Burrard, the Commander-in-Chief, as well as to sir A. Wellesley? He fully agreed in the caution of his hon. friend behind him (Mr. Lambe) not to blame sir H. Burrard, and the only way to prevent this was to introduce the name of sir Harry, which might be done without any injury whatever to sir A. Wellesley. If a Commander was responsible for what he committed to an inferior officer, why should he be deprived of the praise? Was sir Harry at a distance on the day of the battle? Had he not taken the command the day before? Sir Arthur came and took his orders from sir H. Burrard before, during, and after the battle. Sir H. Burrard considered the plan of sir Arthur, and held himself responsible for it. An hon. gent. on the other side had defied the opinion of the Court of Inquiry, and decided that sir H. Burrard had done wrong; but he, who did not think quite so lightly of the opinion of the Board, and especially of that of one noble lord who was a member, thought that, after the manner in which the subject appeared to have been considered by that Board, the house could not refuse its Thanks to sir H. Burrard without doing a gross injustice to that officer. In no Vote of Thanks had the Commander-in Chief been ever before left out. The conduct of sir Hyde Parker had been the subject of animadversion, who had entrusted the execution of the business at Copenhagen to lord Nelson; yet sir Hyde Parker was thanked by both houses. If the conduct of sir Arthur, instead of producing a brilliant result, had led to some disaster, sir H. Burrard would have been responsible, and it would have been no excuse that he had delegated the command to sir A. Wellesley. Under these circumstances, ought he not to be considered as sharing in the merits of the success? He had no knowledge of sir H. Burrard—he had never spoken to him in his life—but he thought it an act of duty to move that his name should be included. It was due to his merits, and might be some consolation under the afflicting calamity, of which intelligence had been received that day, and which deprived that gallant officer of a son, who might hereafter illustrate by his achievements the military glory of his country. An hon. gent. had adverted to the reception which sir A. Wellesley had met with. His reception, he believed, was marked with that applause which his distinguished merits deserved—but what had been the reception of sir H. Burrard and sir Hew Dalrymple? On the question between sir A. Wellesley and sir H. Burrard, the Court of Inquiry had given no opinion, and one noble lord had said, that if he had been obliged to decide he would have inclined rather to the opinions of sir H. Burrard. The name of that officer, under all these circumstances, ought not to be omitted, and he therefore moved that it be inserted.

The *Chancellor of the Exchequer*, observing that the motion must, if pushed to a division, be put in another form, adverted to the merits of the case, and acknowledged, that if the matter were to be decided by personal feeling, one might be disposed to overlook the real nature of the question, in consideration of the calamity to which the hon. gent. had alluded. But it would not be doing justice to sir H. Burrard to thank him for a service, from which his great merit consisted in having separated himself. The course of proceeding which sir Harry adopted, proved that he did not wish to arrogate to himself any share of the merit which he had carefully consigned to its author. In his dispatch he stated that the plan was intirely sir A. Wellesley's, the execution was intirely sir A. Wellesley's, and the report of the battle intirely sir A. Wellesley's. Unquestionably, sir H. Burrard was intitled to great praise for his liberality, generosity, and forbearance; but it was not that description of merit which they were then considering. The only thing that could be recorded here was, that he did not mix himself with what belonged to another; and in doing so the house would be far from consulting his feelings. The hon. gent. would not suppose that he meant to ascribe to him any improper motive in this amendment. But with respect to the case of sir Hyde Parker at Copenhagen, the hon. gent. would recollect that sir Hyde Parker had been thanked for the disposition which he made; but sir H. Burrard laid claim neither to disposition nor execution, and therefore the principle could not apply. With regard to what had fallen from a noble lord under the gallery, it was not surprising, if his objections had induced others to wander in some measure from the question. The noble lord ought to remember, that though the British troops in the field were superior in number, yet, out of eight brigades of which the army consisted, only five had been engaged in the action. Three eighths of the British force remained without firing a musquet (hear, hear). He could not sit with patience, and hear the gallantry of our brave soldiers and the merits of a gallant and distinguished officer thus attempted to be frittered away upon fallacious grounds (loud cries of hear, hear, hear). The distinguished officer who was the subject of the motion before the house, had pursued a career of military glory, unexampled in this country. He had gained almost as many victories as he had been years in the service, and he trusted that the house, leaving all other considerations out of the question, would express their warm and decided approbation of his merits.

General *Stewart* assured the house that no man could have a higher respect for sir H. Burrard than he had, but he could not help observing that it would be impossible for the hon. gent. to make the army understand, why sir H. Burrard was thanked, if he could carry his amendment. The private soldier who saw the activity of sir A. Wellesley, and knew that sir H. Burrard had done nothing more than come into the field, could not understand what the British parliament meant. He had not the good fortune to be present at the battle of Vimiera, but he arrived soon after, and observed the sentiment of enthusiasm in favour of sir A. Wellesley, that prevailed from the general to the drummer. It was impossible for him adequately to describe it; but he might use the emphatic language of an experienced general who had served in most of the armies on the continent, and was fully capable of judging of the question—he meant general Anstruther, an officer, for whom he had entertained the sincerest love and affection, who had promised to become one of the brightest ornaments of the British army, but who, unfortunately for his country, had died in consequence of the fatigue of the late retreat. That distinguished officer had stated to him that it was impossible to conceive any thing more admirable than the conduct of sir A. Wellesley from the commencement of his operations to the result of the battle of Vimiera; that there was no difficulty which he did not contrive to obviate—that his mind was full of resources—that he managed the army like a machine, of the nature of which he was complete master—that he had every thing at his fingers ends, and that no officer that ever he saw, conducted the operations of an army with more distinguished ability. This service was that of sir A. Wellesley, and the army could never understand, why the thanks for it should be given to another, whose great merit was his generous and liberal refusal to share the honours which he conceived did not justly belong to him.

Mr. *Adam* was particularly anxious to express his strong approbation of what had fallen from the hon. general respecting brigadier-general Anstruther. It was impossible to speak too highly of the military merit, the capacity, in all respects, and the excellent character of that officer, who, if his life had not been lost to his country by the fatigue of severe duty, would have been among the list of those this day to have received the thanks of his country, for his services at both battles. He was of opinion that the thanks of this house were highly merited by sir A. Wellesley, for his conduct at Vimiera, and he was the more confirmed in that opinion from what general Anstruther had written to this country from the field of battle, which had made such a deep impression on his (Mr. Adam's) mind, that it was impossible for him to forget it; and it confirmed every thing that had been said of general Anstruther by the hon. general who had spoken last. He wrote from the field of battle, that such were the confidence which the army of Vimiera had in sir A. Wellesley, and such was his talents for command, that there was nothing that that army could not attempt under that commander, and few things that they would not achieve. Mr. Adam said, that these were with him sufficient reasons for thanking sir A. Wellesley, a sentiment in which the whole house agreed, with the exception of the noble lord under the gallery. It would be cruel indeed, because this great action, which had filled the country with universal joy when it was first known, had happened some months ago, and other events had since intervened, that therefore our gratitude or our thanks should be deadened to those who had achieved it. He then said, that he thought his hon. friend Mr. Whitbread, with whom he had the happiness to agree in general on public questions, would prejudge the matter by the Amendment which he had moved, as it regarded sir H. Burrard. As the motion now stood, and as it had been introduced and supported, he conceived himself and the house at perfect liberty to enter into every inquiry respecting the transactions in Portugal, and that whatever military merit might appear to be due to sir H. Burrard, or whatever political demerit might attach elsewhere, it was still open to the house; but, if the Amendment was persisted in, when the speeches of the day were forgotten, the Journals would exhibit to posterity what would be injurious to the character of sir H. Burrard, without the possibility of explaining it; he, therefore, requested his hon. friend to withdraw his Amendment,as,besides these disadvantages, it would preclude the free and unequivocal thanks of this house to the other officers, and to the army of Vimiera in general. He said it was impossible for him to speak on this question without considerable emotion, as thanks were to follow, among others, to a person in whom he felt the deepest interest, he meant general Ferguson, whom he considered not merely as a friend, but as a son, the companion and friend of his sons, who were fighting the battles of their country. He felt for him a truly parental affection; and he knew, from the best authority, that sir A. Wellesley had said, that the intrepid gallantry and conduct with which general Ferguson had led on his troops to the charge, was the finest thing he had ever seen in his military service. Mr. Adam added, that he could not help feeling most anxiously, on every account, that thanks, which comprised no opinion, and impeded no inquiry, and did not preclude future thanks to the services of sir H. Burrard, as the result of inquiry, should be voted without altering their original form; and that the country, the army, and the world, should feel, that the gratitude of this house was the constant and invariable reward of great military achievements.

Mr. *Whitbread* had no hesitation in complying with the recommendation of his hon. friend, in withdrawing his Amendment. He remained, however, of the opinion he had already expressed, that sir H. Burrard was entitled to the thanks of the house; but as his hon. friend had stated that the vote of this night would not preclude him from afterwards receiving that testimony of approbation to which he (Mr. W.) contended his conduct entitled him, he should not press the introduction of it into the vote of this night. He agreed most cordially with his hon. friend in the sentiments he expressed in regard to general Ferguson. He was satisfied that sir A. Wellesley and general Ferguson must go down to posterity as the most distinguished heroes of Vimiera.—The Amendment was then withdrawn, when the Resolution for a vote of thanks to sir A. Wellesley was put, and carried, with the sole dissentient voice of lord Folkestone. The thanks of the house were next voted to major-generals Spencer, Hill, and Ferguson; and to brigadier-generals Ackland, Nightingale, Fane, and Bowes, and the officers under their command. A Resolution was then agreed to, expressive of the approbation of that house, of the conduct of the non-commissioned officers and privates.

[MILITIA ENLISTMENT BILL.] Lord *Castlereagh* then rose and said, that in calling the attention of the house to the important motion of which he had given notice for that evening, he had the satisfaction of feeling, that although the subject was of the greatest magnitude, it would be necessary for him to trespass but very shortly on their time at the present period. The necessity for taking measures to encrease the regular and disposable force of the country without impairing the home defence, had been recommended to the consideration of Parliament in the gravest manner in the Speech from the throne, and he was convinced, that on no topic of that Speech was there a more general concurrence of sentiment in that house. It was unnecessary for him to point out to the attention of the house the general circumstances of Europe, and the particular situation of Great Britain, which rendered it a paramount duty to provide a solid and efficient military establishment. It was evident that events might possibly occur which would make it absolutely necessary for the country to have a considerable military force at its disposal; and it was desirable that there should be a solid foundation of military strength at home, in order that the best interests of the country might not be sacrificed or endangered, while we were discharging the duty we owe to other nations, of succouring them as far as it shall be in our power. This principle would, he was sure, be admitted on both sides of the house, and the only difference of opinion that he apprehended was, with respect to the best and most effectual means of procuring the increase that was necessary in our army. As he trusted the house would grant him leave to bring in his Bill, he should have opportunities hereafter to enter more fully into a defence of the measure which he intended to propose. He did not wish, on the present occasion, to go into any general arguments, but merely to put the house in possession of the general outline of the plan he wished to submit to the consideration of parliament. He was enabled in submitting the measure he had now to propose, to relieve parliament from an anxiety they must naturally feel as to the success of every attempt of this kind, by showing them that they were proceeding not upon his judgment or opinions, nor upon the impressions of his majesty's ministers, but upon the result of experience, which had recently proved that the principle, upon which it was founded, was the most effectual, and by far the most expeditious means of supplying a deficiency in the regular military force of the country. In 1807 the plan was adopted of allowing a certain number of men to volunteer from the Militia, into the regular Army, and it was attended with the most beneficial consequences. It was now perfectly ascertained, that there was no mode in which the disposable force of the country could so rapidly and easily be increased, as by availing ourselves of the zeal which the Militia uniformly displayed on every occasion, when the exigencies of the country rendered an appeal to them necessary. No measure had ever turned out so completely beneficial as that introduced in the year 1807, by which it proposed to increase the Army by encouraging transfers from the Militia, to the extent of 28,000 men. The addition which this measure actually produced was upwards of 27,000 men within twelve months. Many of these had since fought at the glorious Battles of Vimiera and Corunna, and had been honoured with the thanks of their country for their services. He was convinced that a considerable portion of the existing militia panted for an opportunity of extending their services. As there was little doubt, therefore, of the efficiency of the measure which he meant to propose, so also he hoped that as little could be entertained of its policy. It would give the country in the least possible time the largest possible disposable force. It would throw the temporary weakness on the defensive army rather than on the disposable. The reverse would be the case were the Army of Reserve to be renewed. He allowed that the levy of Militia, in order to supply the place of 28,000, who, by the Bill of 1807, were permitted to volunteer into the line, pressed heavy on the country, but it showed what the country was capable of doing when called on for exertion. Parliament had demanded 45,000 militia men from Great Britain and Ireland; and (thanks to the zeal and activity of the different counties) within six months after that demand 41,500 joined their respective regiments. He was perfectly aware, however of the pressure of the measure, and that it ought only to be resorted to on a great emergency, as also that it was the bounden duty of government, if possible, to mitigate the evils of the ballot, and render it less onerous on the people. It was his intention in the Bill which he should submit to the house, to restrain the volunteering within the same limits as those within which it was formerly restrained. In other words to propose that no regiment should be reduced below three fifths of its full establishment. The last time, however, the legislature adopted this measure, they determined not only to replace by ballot, the loss sustained in the militia regiments, by the volunteering into the line, but to raise an excess; making in the whole three fourths of the full establishment, viz. 36,000 in England, and 9,000 in Ireland. Now, however, he thought it only necessary to propose to cover the transfer from the militia, for which purpose only half of the establishment would be required, viz. 24,000 men, instead of 36,000. He apprehended that it would be impossible to get rid of the ballot altogether; but still an effort might be made to obtain men by a milder process, and to relieve the counties from the great pressure which they had been exposed to formerly. For this purpose he should propose that a great part, if not the whole, of the expence of raising the men should be defrayed not by the counties, but by the public. He should propose that the public should pay the bounty for enlisting, not altogether as high a bounty as would be given for enlisting for more general service, but what he thought would be a sufficient bounty—about ten guineas. If the voluntary enlistment did not succeed, and the country should be compelled to have recourse to a ballot, it was his intention, in that case, to propose that the bounty of ten guineas should be given to the ballotted man as a bounty, if he should serve in person, or to assist him in procuring a substitute. When the country gentlemen and militia colonels should find that the expence was to fall upon the public, and not upon the counties, he had great hopes that their local exertions in support of the measure would be more effectual. He was very sanguine in believing, that by this means a sufficient number of men might be got without any material or very sensible pressure upon the country. If, however, his hope was disappointed, and a ballot should be absolutely necessary, even in that case the pressure of the ballot upon individuals would be much diminished by the assistance which they would receive from the public purse.—He was satisfied that this measure would not interfere in any material degree with the regular recruiting, as it was his intention to propose that the bounties to the Militia should be lower than those for the Line. He was also convinced, there was not a man in the country who would not cheerfully submit to the ballot, if the exigencies of the country required it. This was merely to repeat a measure which had already been tried with success; and that, too, under a qualification which must do away a great part of any objectionable feature for which it was before distinguished.—Having thus put the house in possession of the general outline of the plan which he intended to submit to the consideration of parliament, he concluded by moving for leave to bring in a Bill, to allow a certain proportion of the Militia of Great Britain to volunteer into the regular army.

Mr. *Tierney* saw no occasion for any increase of our force destined for foreign service, till the house should be informed what was the nature of the foreign service in which they might be employed. No case had been made out by the noble lord of any deficiency existing in the disposable force of the country, which rendered a measure such as that now proposed, necessary; and he conceived that before the house gave their consent to it, it was their duty to enquire what had become of the great force placed in the noble lord's hands two years ago, at which time he had himself declared that the country stood in a proud situation, and that its military strength was adequate to every exertion that could be required from it. What deficiency had arisen in that large disposable force the noble lord had himself termed sufficient, neither he (Mr. T.) nor any man in the house knew. Before he could consent to impose upon the people the additional burthen which this measure would create, he must be satisfied, not only that a further regular force was necessary, but that the hands into which the disposition of that force was to be entrusted were equal to the confidence reposed in them. At present, all he knew on the subject was, that the army had been most shamefully wasted by the noble lord. Without meaning to cast the slightest reflection on our gallant officers, whose skill and valour entitled them, on the contrary, to the highest praise, he was convinced that the house and the country must deeply feel that the military power of England under the auspices of the noble lord had experienced a more disgraceful discomfiture than any to which it had ever hitherto been exposed.—He made these observations on the present occasion at this early stage of the business, to guard himself from being supposed to assent to the proposition, that his majesty's ministers had a claim on the country to have a further force placed at their disposal, without having first accounted for the way in which they had employed that already entrusted to them.

Sir *T. Turton* thought our army had not been treated as it deserved, and he would not consent to the drawing of a single sixpence out of the pockets of his constituents for the purpose of adding to our disposable force, till he knew how the disposable force we already possessed had been managed. Had they not last year voted 120,000 men for general disposable service? How galling, then, the reflection, that only 28,000 could be collected when we went to meet a numerous enemy in a country, which we were so much interested in defending! The army had unquestionably displayed its wonted valour, and would, he was sure, always do its duty; but it was a melancholy consideration that this valour had only been sufficient to secure a retreat, not to reap the fruits of a victory. It did not appear, that more than 36,000 men had at any time been employed in Spain and Portugal; and he trusted that they should never again hear of an expedition of that description being sent to oppose the numerous armies of France. In every stage, therefore, of the present bill he should oppose it, and would not agree to any further increase of the army, until it should be shewn what had been done with the army voted last session. Under this impression he had come down to the house to vote against the measure in the first instance.

Lord *Milton* observed, that it was now but seventeen months since the house had been discussing a measure similar to that proposed by the noble lord. He had the misfortune to differ from the noble lord at that time, and consistently, with the opinion he then entertained, he was bound to oppose the present measure. On the former occasion the noble lord expressly stated, that it was a measure only to be resorted to upon an extraordinary emergency, and not to be looked to as a general system for supplying the army. Now, it appeared that it was to be adopted as a regular system for supplying the army; and the principle upon which these bills went, was nothing less than raising the regular army by a conscription on the people of this country. He was glad to hear what had fallen from the hon. bart. upon the subject, because, certainly, the hon. bart. could not be actuated by any party feeling in his opposition to the measure. After the disasters which had been sustained, he asked, whether even the noble lord could mean to send another expedition to Spain to turn back the tide of success of Bonaparte's army? Or did he mean to send another expedition to Sweden, to return as the last did, the ridicule of the world? He hoped, however, that if another expedition was sent to Sweden, it would not be a hostile expedition against that country. He thought it absolutely necessary for that house, as representatives of the nation, to make a substantial inquiry into the conduct of the last campaign in Portugal, into the expedition to Sweden, and into the conduct of ministers with respect to Spain, before they should agree to the measure. He could not see why the noble lord wanted more disposable troops, or to what part of the world he could send them, with advantage to the country. He considered that in the present situation of affairs in Europe there was no point to which an expedition could be sent, and consequently that, instead of sending large armies to foreign countries, we ought to shut ourselves up within ourselves, and think of that description of force which would be most useful in the defence of our own country. Such being his view of the true policy of the country, he felt it his duty to express his opinion upon the present occasion; and he could not consent to increase the burdens of the country, for the sake of putting a large disposable force in the hands of his majesty's present ministers.

Mr. *Herbert* rose merely to one point, and that he considered of so much importance that he should feel he had not done his duty if he omitted to mention the subject. He had listened with attention to the speech of the noble lord, and was sorry that a proposition which he had suggested in a former session, made no part of it. He was of opinion that greater reliance should be placed on the service of the militia for the defence of the country. The country treated them as well as the regular troops, and in some instances better, as it made a better allowance for their wives and children. The militia, therefore, owed a debt to the country of making their services as efficacious as possible. He wished that, instead of allowing the militia to enter into the regular army, they should be allowed to extend their services generally to every part of the United Kingdom. Since the Union the militia laws appeared to him anomalous; and his conviction was, that the greatest advantage would result from making the force for home defence in both countries mutually applicable in any exigency. After enumerating some of the benefits that would flow from the adoption of his suggestion, and obviating some objections that might be made to it, the hon. gent. stated that the interchange of the militia of the two countries might be restricted, to avoid inconvenience, to cases of rebellion, or invasion, or upon addresses of both houses of parliament. Though aware of the little weight he possessed, yet if no other member should take the question up, he was determined in some stage of the bill to bring it under the consideration of the house.

Mr. *Calcraft* desired that he might be included in the reservation of his right hon. friend, not to be construed as approving of any project of the noble lord, until the house should be made acquainted with the deficiency to be supplied, and the amount to which the noble lord meant to increase the army. Then they could call upon the noble lord, from authoritative documents, to shew what he had done with the deficiency. He felt great difficulty in intrusting the right hon. gentlemen on the opposite side, with the management of a stronger disposable force, until they should show what had been done with the very efficient force voted last session. This, no doubt, the noble lord would do. In opening his measure to the house the noble lord had abstained from entering into details, and seemed to think it a matter of course to take 26,000 men from the defensive force of the country for the increase of the regular army. As this was a military subject, he wished to ask the secretary at war when the Army Estimates would be laid before the house, and hoped that they would be presented in such a form as that the house would not have to discuss the Army and Ordnance Estimates on the same night, as happened last session, when, after a long debate upon the Army Estimates, the house at two o'clock in the morning was called on to vote the Ordnance Estimates, exceeding four millions. He hoped, too, that the noble lord would have no objection to lay before the house an account of the effective strength of the army, before the second reading of the bill.

The *Chancellor of the Exchequer* did not think this the proper time for discussing the merits of the measure, and hoped, that the debate would not be continued to any length. With respect to the question of the hon. member, he was sure that his right hon. friends could have no objection to the production of the fullest accounts that could be desired. But he apprehended, that it would not be necessary to delay, till they should be produced, the discussion of a measure for adding to the strength of the army. If the right hon. gent. really thought that the army had been wasted, shamefully wasted, as stated by him, surely he could not think this the moment, in such times, to delay measures for repairing that waste. It was to protest against this imputation of waste that he had risen; and whenever the question should be brought before the house, he was convinced that his noble friend could feel neither indisposition nor difficulty, to defend the application of the disposable force of the country. Whether it should be desirable or not to send out other assistance to Spain, or whether it would have been wise in his majesty's government to abstain from sending out assistance at any time to that country, were questions, which there would be after opportunities of discussing. But if ever the house or the public should decide in the negative, it would then be for the hon. gentlemen to shew that there had been mismanagement of that assistance, or how it could have been better applied under their more able management. After the various plans the house had heard for the conduct of the campaign, he was sure that neither he nor his colleagues had any thing to fear from the comparison. He had an impatient anxiety to hear what plan the right hon. gent. could propose, but he suspected that if he could have made any improvement in the plans stated by his friends in a former debate, he would not have withheld the communication. As this was not a time for going into the merits of the measure in detail, he should not prolong the conversation. He, however, would add, that, whenever the merits of the campaign should come into discussion, he should be able to prove, that there had been neither waste from mismanagement, nor dishonour from misconduct during its continuance.

Mr. *Tierney* stated in explanation, that he had never said that assistance ought not to have been sent to Spain in the early moments of its national ebullition; neither had he said that the deficiencies of the army ought not to be repaired. What he had said, was, that he would not consent to the measure until he should be informed how the troops which had been placed at the disposal of the noble lord had been employed, and next, what the amount of the actual deficiencies in the army were.

Mr. *Elliot* expressed deep regret that the regular army should be kept up by these hackneyed expedients, which had the effect of breaking down the militia, and produced the increase of the army by means of a direct, and he must be permitted to say, a fraudulent system of taxation. He lamented the inroads which had been made upon the wise system of a right hon. friend of his (Mr. Windham) then absent from indisposition, but who, he trusted, would attend in his place on the second reading of the bill.

On the question being put for leave to bring in the bill, a division took place, for the motion 77, against it, 26. Majority 51.—The bill was then presented and read a first time.

HOUSE OF LORDS.

Thursday, January 26.

[OVERTURES FROM FRANCE AND RUSSIA.] The Earl of *Liverpool* rose to move an Address to his majesty upon the Correspondence with France and Russia, relative to the Overtures from Erfurth, which had, by his majesty's command, been laid before parliament. His lordship said, he should have thought it unnecessary to trouble the house with any observations on the subject, had it not been for an intimation of dissent. He was, however, at a loss to anticipate any objection to the line of conduct which had been upon this occasion adopted by his majesty's government, as it appeared to him to be most clearly dictated by every consideration of sound policy, and of what was due to the honour and character of the country. Every man in the country must have been convinced that the overtures on the part of France were not made in the spirit of peace, following, so immediately as they did, the aggression committed by that power against the Spanish nation, and the usurpation of the government of that nation, which had then been attempted, by nominating a person as king of Spain. He was ready to admit, however, that the Overture from Erfurth, setting aside the preliminary observation, and taking what was substantially the offer, was *prima facie* fair. His majesty's ministers, acting upon that principle which had been invariably the rule of their conduct, determined to meet the offer in a fair and candid manner, and by making those explanations in the first instance which must necessarily result from any negociation, an answer was returned, stating our relations with Portugal, the king of the Two Sicilies, Sweden, and the government of Spain, and our determination to support the cause of the Spanish nation. The reply of the ruler of France, stigmatizing the Spanish nation as Insurgents, might not, perhaps, cause much surprize; but it was impossible not to consider, without the deepest feelings of regret, the Answer of the emperor of Russia, stigmatizing as Insurgents a loyal people, who were fighting to support their legitimate monarchy, against a horrible and atrocious usurpation. By charactering the Spanish nation as Insurgents, who were supporting the legitimate monarchy of the country, it must be clear, at least negatively, that the brother of Bonaparte was to be held out as the lawful and rightful king. He could not have conceived it possible, had it not been for the intimation on a former evening, that any objection could have been made to the expression of the determination of his majesty's government to support the Spanish nation, as he believed there was scarcely a man in the country who did not, at the time it was known an Overture was received, think that such an answer ought to have been returned. It was not now the question as to the mode in which Spain ought to have been assisted—that had no relation to the discussion. Those only could object to the expression used who thought that no assistance ought to have been given to Spain, and that she ought to have been left to herself, and he believed there was no man in that house who held that opinion, nor scarcely any one in the country. But, where there were only shades of difference of opinion, with respect to the mode of assisting Spain, there could, surely, be no objection to our giving a distinct pledge of our determination to support generally the cause of that nation. He believed, upon this subject, there was a little difference of opinion in the country, as the people were rather inclined to accuse ministers of having not done enough in Spain, than of having done too much. With respect to the Answer returned to the propositions of France and Russia, he contended, that the honour and character of the country required that the determination to support the Spanish nation should be frankly and decidedly avowed; a public pledge having been previously given of that determination, and the assistance rendered having been equally public. His lordship concluded by moving an Address to his majesty, thanking his majesty for his most gracious communication, and expressing their approbation of the wisdom and justice of the conduct of his majesty's government, evinced in the Answer returned to the Overtures from Erfurth, and in the determination expressed of supporting the Spanish government, acting in the name of their legitimate monarch, Ferdinand the VIIth.

Lord *Grenville* said, he had hoped that the Address would have been so worded as to have enabled him to have done that which he should have wished to have done, to concur in voting it; but as it was now drawn up, he was compelled to give it his dissent, as he could not applaud the wisdom and justice of that conduct which he thought neither wise nor just. He was ready to admit, that at the time the Overture was made, there was no prospect of its leading to any practicable negotiation for peace. The Ruler of France had at that time arranged his plans for the achievement of an object the most important to him of any that he had yet in view, that of completely subjugating Spain. A most horrible and atrocious usurpation had been set up in that country, and unfortunately, the Ruler of France possessed the means of carrying his plan into effect; he went to Spain with a moral certainty of effecting his object, and, no doubt, was sincere in his wish that a large British army might be landed in Spain, he having in his hands the means by which the great object he had in view might be attained, and which he actually had attained in the course of two months—the subjugation of Spain. With this great object in view, and a moral certainty of attaining it, whilst we, on the other hand, had taken up the cause of the Spanish people against this usurpation, and hoped to defeat the object of the Ruler of France, it was impossible to expect that any negotiation would take place. It could not be supposed that he would give up his object; it could not be expected that we should give up ours; it could not be imagined that either party would give up by a stroke of the pen what each expected to obtain by force of arms. But though convinced that the Overture was not made in the spirit of peace, and that no negociation could have resulted from it, yet he could not applaud the conduct of ministers in the Answer which they returned to it. They asked of the Ruler of France in their Answer, to give up as a preliminary to negotiation, the most important object for which he was contesting; because, calling upon him to acknowledge the persons exercising the power of government in Spain, in the name of Ferdinand VII. was requiring to give up at once his views upon the government of Spain—to give up the very object of his attack upon that country. This, therefore, he contended, was impolitic, as putting us in a worse situation than we might have been, by resorting to another mode of reply. Had the Answer expressed the readiness of this government to sacrifice British objects, for what was certainly a most important British object, the preservation of the legitimate government of Spain, it would have had the effect of placing the French government still more wrong, and of still shewing our determination to support Spain. He could not avoid, however, noticing, that it was stated, that a Treaty of Alliance had been concluded with Spain, although no such Treaty had been communicated to parliament. It was the constitutional practice to lay all Treaties concluded with foreign powers before parliament, that parliament might advise his majesty upon them. Of this Treaty, however, nothing was known to parliament; he knew nothing of it, and therefore could not speak on the subject, but he must deprecate the practice of making private Treaties, which were not communicated to parliament. His lordship recurred to what he had before alluded to, the Answer returned to the Overture, and observed, that as he could not approve of the terms of it, he must dissent from the Address, which applauded its wisdom and justice.

The *Lord Chancellor* contended, that the question was not with respect to the Answer returned to the Overture, whether the Ruler of France should at once give up his views upon Spain, but whether the Spanish nation should be admitted as parties to the negotiation? The noble lord (Grenville) had said, that the person exercising the powers of government in France had accomplished his object in two months, and had completed the subjugation of Spain. He was of a very different opinion; he did not think that Spain was now subjugated; nor did he think that it would be: the contest in that country might still be carried to a successful termination on the part of the universal Spanish nation, against that most unjustifiable and unprincipled usurpation, which was now attempted to be imposed upon it. The Answer that was returned to the Overture was, in his opinion, the most proper under the circumstances of our situation and our existing relations with Spain. It was of the greatest importance when such an Overture was made, and made, as admitted on all hands, evidently not in the spirit of peace, that no time should be lost in shewing to the Spanish nation, that his majesty's government adhered to the pledge given to parliament and the people, in the Speech of his majesty delivered through the medium of his Commissioners in that house, and at once convincing them that their interests would be scrupulously attended to. It was of the utmost importance that we should place before the Spanish nation, in the strongest point of view, the good will and kindness which they would experience from us on the one hand, and the injuries which they must feel from the attempted usurpation on the other. It was under these circumstances that ministers advised his majesty to return that Answer, and he was still convinced that it was the only Answer that ought to have been returned, consistently with the honour and character of the country.

Viscount *Sidmouth* expressed his perfect concurrence in the opinion delivered by the noble secretary of state, that no confidence could or ought to be placed in the offer of negotiation made by the Russian and French governments from Erfurth. When such a confederacy was formed, it was almost a duty to doubt the sincerity of that offer; but when it was coupled with a proposal for the abandonment of the Spanish people, he believed, there was not a man in that house or in the kingdom who could have hesitated for a moment, as to the line of conduct the British government ought to have pursued. When he was first acquainted with the communication from Erfurth, the first question which occurred for his consideration was, to resolve the inducements which operated with the head of the French government to make this offer of negotiation. Three motives presented themselves to him as operating on the French ruler: the first was, to create a strong wish for peace among the people of this country, and to excite a popular feeling, that the blessings of peace were not the object of those entrusted with the management of the national concerns. The second was, the presumption that his majesty, miscalculating the feelings of his people, would have acted on these supposed prepossessions, and have entered on a negotiation in a seeming compliance with those wishes. The last hope was to profit by his old stratagem, of imputing to G. Britain the principle of unnecessary hostility, and of a desire to prolong, for its selfish purposes, the calamities arising from the continuance of hostilities. This delusion he had long practised upon the different States of Europe. Had this country but acceded to his proffer of pacification, he would not have failed to draw from that conduct inferences degrading to its character, and injurious to the best interests of the empire. Besides, the very entertainment of the proposition, without first demanding the acknowledgment of the independence of them, would have surely excited amongst that people a justifiable distrust and suspicion of the purity of British co-operation. Such were his opinions on the propriety of his majesty's Declaration; but in delivering that conviction, he wished to be understood, as considering his majesty's government responsible to the parliament and to the public, for those consequent measures, which they advised and executed, with a view of assisting the people of Spain, in their endeavours against the iniquitous usurpation of France.

Lord *Mulgrave* maintained, that it was impossible to have done more towards supporting the cause of Spain, than had been done by his majesty's ministers. The boast of Buonaparte, that he would, within the space of two months, be in possession of the Spanish capital, could not possibly have been in his conception at the time of making it. If any man, however, supposed that the cause of Spain was now hopeless, and that it ought to be abandoned, he, for one, must express a contrary opinion. So long as the Spaniards continued true to themselves, so long would Britain continue true to them. It was the determination of his majesty's present ministers to act on this principle, and to consider the cause of Spain, though a distant, yet an important point in the defence of these kingdoms. Though they did not dispute the notion that our navy might be equal to the defence of these kingdoms, they did not wish to hazard any thing on a conviction of the kind;

neither were they willing to indulge in that narrow and selfish feeling, that we ought to look to ourselves alone, and to live within ourselves, there to await the attack of the enemy. They entertained more enlarged and comprehensive views of the subject. They thought that the most vigorous assistance which we could possibly lend to the cause of Spain and of any other country disposed to withstand the common enemy, ought to be afforded. That we should not, like other powers, selfishly lie by till the enemy was ready to attack us, but should endeavour, as far as in us lay, to further and promote any more distant check which might be militated against him. If noble lords on the other side entertained different views of the subject from these, let them openly and candidly express them, and let the country judge between the two, who were more entitled to their confidence, or most likely to bring the struggle in which we are engaged to a successful and honourable issue. Let the house also judge between noble lords on the other side, and his majesty's present ministers on this point, and if they approved of the opinions and sentiments of the former, in preference to those of the latter, let them at once address his majesty to dismiss his present ministers from his councils.

Lord *Auckland* said, that he had listened to the speech of the noble baron with an attention approaching to astonishment. The noble baron had, with much complacency, congratulated himself on the share which he had had in directing the campaign, the disastrous results of which will long be deeply deplored by the whole British empire. The noble baron, not content with self-consolation, had proceeded, at great length, to congratulate the country on its well-timed and fortunate escape from the counsels and guidance of the late administration. Lord Auckland found himself called upon to answer, and to assert, that if the ministry of his noble friend, (lord Grenville) had not been unfortunately interrupted, at this hour we should have possessed, and without any stain on the national character, a full access to unconquered states in the Baltic, and a full enjoyment of the Baltic trade:—at this hour we should have enjoyed the uninterrupted friendship of the United States, and all the benefits of their commercial intercourse, and perhaps also their alliance offensive against France:—and certainly at this hour we should not have had to lament the useless sacrifice of the finest army that G. Britain had ever sent into the field. These were his sentiments, called forth by the inconceivable exultation which their lordships had witnessed; and he believed that these sentiments, and this justice towards the pre-eminent mind of his noble friend, would gradually find their way to the conviction of every thinking man in the kingdom. In answer to the loud and repeated assertion that the cause of Spain was not yet at an end; he was aware that the popular delusion on that subject was not yet at an end; nevertheless, he would not hesitate to avow his opinion, that what we call the Spanish cause was lost, for the present at least; and without any rational hope that it could be soon revived.—He then proceeded to state his reasons for thinking that the Erfurth Overture was a mere fallacy, practised by the Ruler of France, both on this country and on Russia. He was disposed to give credit to the Secretary of State who had conducted that Correspondence; perhaps it would have been more eligible, to have explicitly reserved our just protection of the Spanish monarchy for Negotiation at the proposed Congress, and to have insisted only on the admission of our allies; but this was a diplomatic doubt, on which he was not disposed to insist. He must, however, express his concern, that in the proposed Address the house was led to a sort of indirect acknowledgment of Ferdinand VII. He could not forget that he had been present at the coronation of Charles IV.; and he had not seen any ground for recognizing the abdication of that unfortunate monarch, who had since stated, what was sufficiently evident, that he had done nothing but by compulsion, and did not mean to be thus superseded by his son.

The Earl of *Suffolk* saw many errors in the system which had been pursued in our attempt to protect Spain. The great duke of Marlborough had laid it down that no army entering Spain, and wishing to secure to itself a retreat, should omit to possess themselves of Barcelona. There was also on the opposite coast a fortress, which had been overlooked by us, but which the French had since occupied, and rendered almost impregnable. There was another circumstance which, in his opinion deserved inquiry, and to which, on some future occasion, he should, in all probability, call the attention of the house; namely, why col. Shrapnell's spherical case shot, which it was stated, had contributed greatly to decide the battle of Vimiera, had not been furnished to our army in Spain?

The Earl of *Liverpool* declared it to be the anxious wish of ministers to meet every inquiry into the conduct of the war in Spain. He challenged his noble friend on the cross bench, or the noble lord opposite, to bring forward any motion they chose on this subject, on as early a day as they chose, that the question might be fairly and at once discussed.

Lord *Grenville* said, that thus attacked, he could not sit silent. He declared sincerely that there was not a single measure adopted by ministers, which, had he been in their situation, he would have thought he acted right in resorting to; and he was equally persuaded there was not one step he would have recommended which they would have adopted. He did not refer to Spain alone; he alluded to their whole conduct since they were entrusted with the management of affairs. He could not, however, consent that he should be called on to bring forward any motion on the subject. Much information was still wanting on the subject of the operations and plans of operations in Spain, which it was the duty of ministers themselves to furnish: particularly, it was incumbent on them, in the first place, to put the house in possession of that document, transmitted to this country by sir John Moore, and which it was the dying wish of that gallant officer should be published, that the country might have a due appreciation of his services. Accounts were daily received from officers in our army, his lordship was sorry to say, not of a consoling nature, but which were calculated to grate the ear and wound the heart. It was not on him, however, or on any other noble lord, that a call lay to make this a subject of inquiry. It was the incumbent duty of ministers themselves to furnish every possible information on a subject in which the feelings not only of that house, but of the public, were so peculiarly interested.

Viscount *Sidmouth* being called on as he had been, must also say, that he deemed it incumbent on ministers themselves to bring the matter fairly before the public.

The question on the Address was then put and agreed to, *nem. diss.*

HOUSE OF COMMONS.

Friday, January 27.

[ALTERATION IN SUGAR DISTILLERY BILL.] The *Speaker* called the attention of the house to a Resolution, to which they had agreed at the close of the last session, on a complaint that had been brought before them. A Bill had repassed the house of commons for granting to his majesty certain Duties on Distilleries, pending the prohibitions then existing by other bills. This bill was agreed to by the lords with an amendment, in which the commons, having taken it into consideration and having been convinced that it tended to forward what was evidently their own intention, concurred. The amendment was to substitute, in the latter part of the bill, the word "England" for the words "Great Britain;" the word "England" having been uniformly and according to the intention of the house of commons, used in all the former parts of the bill. The surprize which the house felt at the circumstance, induced them to come to a Resolution, that early in the next session they would enter into the investigation of the circumstance. In consequence of circumstances which had since come to his knowledge, he felt it to be his duty to suggest to the house the propriety of some further proceeding on this subject; and he trusted that either the hon. gent. by whom the Resolution of the last session was proposed, or any other member, would submit to the house some mode by which this extraordinary occurrence might be satisfactorily investigated.

Mr. *R. Dundas*, after having observed, that there could be but one opinion as to the indispensable necessity of investigating this transaction, in order to prevent the recurrence of what might prove a serious inconvenience to the public service, moved, "That a Committee be appointed to examine into the cause of the alteration, and to report their opinion on the same to the house."—Ordered, and the Committee was in consequence appointed.

[POOLE WRIT.] Lord *Folkestone* moved for a new Writ for Poole, in the room of John Jeffery, esq. who had been appointed Consul General to her most faithful majesty's dominions in Europe.

Mr. *Rose* submitted to the noble lord the propriety of previously moving for a Committee to examine whether by such an appointment a member of that house vacated his seat. For himself, he was not aware that there was any distinction between the appointment of a minister at a foreign court, and that of a consul general, in this point; and unquestionably by the first mentioned of those appointments no parliamentary ineligibility had ever been created.

The *Speaker* said, that of course his attention had been strongly called to the consideration of this affair; and on examination he had not been able to find any specific precedent of a seat having been vacated under similar circumstances. In 1762, on the appointment of a member of that house to be Conservator of Scotch privileges in the Netherlands, the member so appointed was declared to have vacated his seat. How far that transaction bore upon the present, it was for the house to determine. He would recommend that the present discussion should be adjourned for a few days, in order to give an opportunity to hon. gentlemen duly to weigh a subject in which the privileges of the house were so materially concerned.

Lord *Folkestone* acceding to this proposition, the debate was adjourned to Monday se'nnight, and an humble Address was ordered to be presented to his majesty, praying that he would be graciously pleased to cause to be laid before the house a copy of Mr. Jeffery's appointment.

[THANKS OF THE HOUSE GIVEN TO SIR A. WELLESLEY.] Sir Arthur Wellesley being come to the house, the Speaker acquainted him, That the house had, upon Wednesday last, resolved, That the Thanks of this house be given to him, for the distinguished valour, ability and conduct, displayed by him on the 17th and 21st of August last in Portugal, on the latter of which days he obtained at Vimiera over the army of the enemy a signal victory, honourable and glorious to the British arms.

The *Speaker* gave him the Thanks of the house accordingly as followeth, viz.

"Lieut. general sir Arthur Wellesley; After the events of the last year, it was impossible that parliament should re-assemble without directing its earliest attention to the services of the British army in Portugal; and, amidst the contending opinions which have prevailed upon other questions, the public voice has been loud and general in admiration of your splendid achievements.—It is your praise to have inspired your troops with unshaken confidence and unbounded ardour; to have commanded, not the obedience alone but the hearts and affections of your companions in arms; and, having planned your operations with the skill and promptitude which have so eminently characterized all your former exertions, you have again led the armies of your country to battle, with the same deliberate valour, and triumphant success, which have long since rendered your name illustrious in the remotest parts of this empire. Military glory has ever been dear to this nation; and great military exploits in the field or upon the ocean, have their sure reward in royal favour, and the gratitude of parliament. It is therefore, with the highest satisfaction, that, in this fresh instance, I now proceed to deliver to you the Thanks of this house; and I do now accordingly, by the command, and in the name of the Commons of the United Kingdom of Great Britain and Ireland, thank you for the distinguished valour, ability, and conduct, displayed by you on the 17th and 21st of August last in Portugal, on the latter of which days you obtained at Vimiera over the army of the enemy a signal victory, honourable and glorious to the British arms."

[SIR ARTHUR WELLESLEY'S ANSWER.] Upon which sir Arthur Wellesley said,

"Mr. Speaker; I beg leave to express my acknowledgements to the house for the high honour which they have conferred upon me, by the notice which they have taken, and the approbation they have conveyed of my conduct during the time I commanded his majesty's troops in Portugal.—No man can value more highly than I do the honourable distinction which has been conferred upon me: a distinction which it is in the power of the representatives of a free people alone to bestow, and which it is the peculiar advantage of the officers and soldiers in the service of his majesty to have held out to them as the object of their ambition, and to receive as the reward of their services.—I beg leave, at the same time, to return you, sir, my thanks for the handsome terms in which your kindness, I ought to say your partiality for me, has induced you to convey the approbation of the house."

Ordered, nem. con. That what has been now said by Mr. Speaker, in giving the Thanks of this house to lieut. gen. sir A. Wellesley, together with his Answer thereto, be printed in the Votes of this day.

[GENERAL ANSTRUTHER.] Sir *John Anstruther* rose to express his extreme regret that the name of a gallant relation of his who had fallen a sacrifice in the cause of his country, on the late march of the British army to Corunna, had been honoured with no place in the Votes of Thanks which had passed that house to the officers who had been employed on that service. That was a circumstance which bore heavily on the feelings of that gallant officer's friends and family. That he did not in his death share the honours so justly paid to sir John Moore, for the victory at Corunna, was not to be imputed to him, as it was upon his march thither, that he fell a victim to excessive fatigue only 48 hours before the battle, in which, but for this premature fate, he would have borne a distinguished part. He took the opportunity of mentioning this subject to the noble lord, with a view to ask, if such a gratification could be conceded to the wishes of general Anstruther's family.

Lord *Castlereagh* answered, that he had every wish to acknowledge the eminent services of the gallant general, and that he felt every disposition to do honour to his memory; but on the present occasion, he feared it was not compatible with the usage of parliament, to name any officers but those who were actually present.

Sir *A. Wellesley* bore strong testimony to the distinguished gallantry of gen. Anstruther. He was confident, had it been consistent with parliamentary usage, his name would have been included in the vote of the house.

The *Secretary at War* concurred in the same sentiments, and added, that the gallant general's name had twice before been included in the thanks of the house.

[GENERAL STEWART.] General *Grosvenor* adverting to the signal instance of bravery evinced by a gallant relation of the noble lord opposite to him at Benevente, where at the head of some pickets of British cavalry, he attacked and defeated a body of the enemy's horse, wished to know if so signal an exploit was not deserving of particular mention in the thanks of the house.

Lord *Castlereagh* said, that however brilliant the conduct of his gallant relation had been upon the affair to which the honourable general alluded, it would be departing from the uniform usage of parliament to thank individual officers for actions with detachments.

[CONDUCT OF THE DUKE OF YORK.] Mr. *Gwyllym Lloyd Wardle* rose, pursuant to his notice, and spoke to the following effect:—Fully aware, Sir, of the great importance of the subject I am about to submit to the consideration of the House, I most sincerely lament that my abilities are unequal to do it complete justice.—But yet I trust that an ardent zeal for the welfare of my country, supported by facts strong and incontrovertible, will enable me to surmount every difficulty, and eventually to rescue the state from the baneful influence of a power which has long been exercised for the worst of purposes, and which, in fact, tends to endanger our ultimate security. To stand forward the public accuser of a man so high in rank and so strong in influence as the Commander in Chief, may very naturally be deemed no less a bold than an arduous undertaking. But, however bold, however arduous it may be, being determined that no consideration of that nature shall ever induce any hesitation or wavering in the performance of my duty either upon this or upon any other occasion, my mind is fully made up for perseverance. In the resolution I have formed, it is but reasonable for me to calculate upon the concurrence and co-operation of this House and the country. For, at a crisis of peculiar peril, when the great, if not the only means of our safety, may depend upon the judicious organization and able direction of our military force, every man in the community must feel a lively interest in the object which my motion has in view. I trust, therefore, his r. h. the duke of York will this night find, that however exalted his rank, however powerful his influence, the voice of the people, through their representatives, will prevail over corruption, and justice will be done to the calls of a long-suffering and meritorious body, to the best, to the vital interests of the people. In the course which I am pursuing, I feel conscious of no motive but that of a desire to serve my country, and I am confident that none other can be fairly ascribed to me. The conviction of my mind is, and for some time has been, that unless the system of corruption that has so long prevailed in the military department be done away, this country may fall an easy prey to the enemy. Consistently, therefore, with any rational feeling of solicitude for my country which involves my own connections and my family, it is impossible that I should sit silent, and allow the practices which have come to my knowledge, to be any longer concealed, from those who are so much interested in their character and tendency. It is upon these grounds, sir, that I am urged to offer myself to your attention.

The first point in the case which I have to state, relates to the Half-pay Fund, which is an establishment under the direction of the Commander in Chief. This fund arises out of the sale of commissions vacant by death; by the promotion of officers not allowed to sell; or by dismissions from the service. The power of the Commander in Chief over this fund was constituted, and intended, for the reward of merit, either by the appointment of meritorious officers to the commissions which so became vacant, or by selling them and applying the produce of such sales to the redemption of half-pay commissions, or to the Compassionate Fund. Here the power of the Commander in Chief over such produce ceases. If the commissions I have described are otherwise disposed of, the authority vested in the Commander in Chief is abused, and the objects of the Half-pay Fund are abandoned. Now, if I can shew that those commissions are appropriated to very different purposes, it will of course appear that such abuse and abandonment does take place—that merit is not rewarded—that the Half-pay List is not reduced—that the Compassionate Fund is not assisted. For the purpose of shewing this it is absolutely necessary to call the attention of the House to another establishment of the Commander in Chief's, which is quite of a different complexion to that I have just mentioned. This establishment, which consisted of a splendid house in Gloucester-place, a variety of carriages, and a long retinue of servants, commenced in the year 1803, and at the head of it was placed a lady of the name of Clarke. As this lady forms a principal party in several of the facts which I have to cite, I am under the necessity, however reluctantly, to mention her name, as well as that of others, in order to make out a fair parliamentary basis for my motion, and to satisfy the House that I have not brought it forward upon light grounds. In producing this satisfaction, I have no doubt of succeeding, and I assure the House, that I shall endeavour to avoid trespassing upon their time by the statement of more cases than appear to me necessary to the particular points which my motion embraces.

The first Case to which I have to call your attention is that of capt. Tonyn, whom I understand to be an officer of merit, and in alluding to him upon this occasion, I beg it to be understood that I mean no reflection whatever upon his character. This officer, who held his captaincy in the 48th regt. of foot, was promoted to a majority in the 31st regt. according to the Gazette, on the 2d Aug. 1804. For such promotion, to which, no doubt, capt. Tonyn's professional merit entitled him to aspire, he was indebted to the influence of Mrs. Clarke; without which he might have long looked for promotion in vain. To Mrs. Clarke, capt. Tonyn was introduced by capt. Huxley Sandon, of the Royal Waggon Train; and the terms of agreement were, that Mrs. Clarke should be paid 500*l.* upon capt. Tonyn's majority being gazetted. In order to secure this payment it was arranged, that the amount should be lodged in the hands of a third person, as agent to the parties, and this agent was a Mr. J. Donovan, a surgeon, of Charles-street, St. James's-square. As I shall have frequent occasion to introduce this gentleman's name to-night, and may be obliged to resort to him hereafter, it seems right that I should present the house with some information about him. It appears that Mr. Donovan was appointed a lieutenant in the 4th Royal Garrison Battalion in the year 1802, and that he was afterwards promoted to the 11th Battalion. What the cause of this appointment and promotion was I have endeavoured to ascertain, but without success. I have however found, that the services of Mr. Donovan could not have been of a military nature. In fact, since the day of his appointment in 1802, he has never joined his regiment. But there seems to be some reason for granting him a perpetual leave of absence, as he has been on constant duty in London. This gentleman was a member of the medical department of our army in the American war. If he deserved promotion, surely our medical staff is large enough to provide for him. What then could have taken him into the army? But to return to his pursuits in London.—The 500*l.* lodged with this gentleman was paid to Mrs. Clarke, by capt. Huxley Sandon, as soon as major Tonyn was gazetted. Here it becomes necessary to observe to the house, that the regulated difference between a Company and a Majority is 1,100*l.* which should have been appropriated as I before mentioned. But how does the affair stand? Mrs. Clarke gains 500*l.* and 1,100*l.* are lost to the Half-pay Fund. This sum, however, of 500*l.* was paid by Mrs. Clarke to a Mr. Birket, a silversmith, in part payment for a service of plate for the establishment in Gloucester-place; the balance for which plate was afterwards paid by h. r. h. the Commander in Chief. The positions which I hold to be clearly deducible from this case are these—First, that Mrs. Clarke possessed the power of military promotion. Secondly, That she received pecuniary consideration for such promotion. And thirdly, That the Commander in Chief was a partaker in the benefit arising from such pecuniary consideration. To establish the truth of this case, I have the following witnesses;—Major Tonyn, Mrs. Clarke, Mr. Donovan, capt. Huxley Sandon, and Mr. Birket's Executors.

The second Case I have to adduce relates to the subject of exchanges. Upon the 25th of July 1805, an exchange was concluded between lieut.-col. Brooke, of the 56th regt. of infantry, and lieut.-col. Knight, of the 5th dragoon guards, through the influence of Mrs. Clarke. The agent for negotiating this transaction was a Mr. Thynne, a medical gentleman. The circumstances of the application to the duke of York were shortly these; Mrs. Clarke wanted some money to defray the expences of an excursion in the country; she therefore urged the Commander in Chief to expedite the exchange, as she was to receive 200*l.* for it. This urgent request was made upon a Thursday, and its influence was such that the exchange was actually gazetted upon the Saturday following. Mrs. Clarke in consequence received 200*l.* from the agent. This case then serves to shew—first, that, in addition to promotions, exchanges were also at the disposal of Mrs. Clarke; and secondly, that the purse of the Commander in Chief was saved by the supply which his mistress derived from such sources. The witnesses to this case are, lieut. col. Brooke, lieut. col. Knight, Mrs. Clarke, and Mr. Thynne.

As a contrast to the preceding exchange, I shall take leave to state a Case of peculiar hardship which occurred within the last year: two meritorious officers, major Macdonald and major Sinclair, both of the first reg. of infantry, and both indisposed, were anxious to make an exchange—the one desiring, for the recovery of his health, to remain in England; while the other, from a similar motive, desired to go to the West Indies. These gentlemen sought their object by every honourable means. The most urgent requests, and the most respectable recommendations were made in their favour, but in vain. No mistress was resorted to; no bribe of 200*l.* was offered; major Macdonald was forced to go to the West Indies, and fell immediately a victim to the climate; major Sinclair was forced to remain in England, and survived but a few months. Thus was the country deprived of two highly deserving officers.

The fourth Case I have to adduce refers to major John Shaw, of col. Champagne's Ceylon regiment. Major Shaw was appointed Deputy Barrack Master of the Cape of Good Hope upon the 3d of April, 1806, through the influence of Mrs. Clarke. It was known that this officer by no means enjoyed the favour of the duke of York; that in fact his royal highness entertained some prejudices against him. But these obstacles Mrs. Clarke easily contrived to overcome: for it was agreed to pay her 1,000*l.* for the major's appointment. The appointment was therefore made, and the major himself paid Mrs. Clarke 300*l.* Soon after, 200*l.* more were sent to Mrs. Clarke, by major Shaw's uncle, through Coutts's bank, and the payment was made by one of Mr. Coutts's clerks. The remaing 500*l.* however, was not paid; and when it was found not to be forthcoming, Mrs. Clarke was enraged, and threatened revenge. She actually complained to the Commander in Chief of major Shaw's breach of contract, and the consequence was that the major was soon after put on half-pay. I am in possession of several letters which passed upon this subject, from major Shaw and Mrs. Shaw, threatening both the Commander in Chief and Mrs. Clarke with public exposure, &c. if their complaints were not redressed, but in vain. In consequence of this business, I have been induced to examine the half-pay list, in order to see whether any similar reduction to that of major Shaw had taken place in the Barrack Department; but I have found no such thing. Such officers being, in fact, kept on full-pay, even on the home staff. This case of major Shaw was indeed the only instance I could find of such an officer being reduced to half-pay. The case of this officer then demonstrates, first, that Mrs. Clarke's influence extended to appointments on the staff of the army, as well as to promotions and exchanges in the army itself; secondly, That the Commander in Chief punished an individual by reducing him from full to half pay, for non-performance of a nefarious contract with his mistress; thirdly, that the Commander in Chief was a direct party to all this shameful transaction. The witnesses to this case are, Mrs. Clarke, Mr. Shaw, uncle to major Shaw, Mr. Coutts's clerk, and Mrs. Shaw.

I now come to the very novel Case of colonel French and his levy. This officer was, through the influence of Mrs. Clarke, appointed by the Commander in Chief to conduct a levy in the years 1804-5. The colonel was introduced to Mrs. Clarke by capt. Huxley Sandon, and the condition upon which he obtained his appointment was, that Mrs. C. should have one guinea out of the bounty of each man raised, together with the sale or patronage of a certain number of the commissions. The agreement being concluded, it was communicated to, and approved of, by the Commander in Chief. Col. French was accordingly sent by Mrs. Clarke to the Horse Guards, and after many interviews, the levy was sent on foot. As the levy proceeded, Mrs. Clarke received several sums of money from col. French, capt. Huxley Sandon, and a Mr. Corri. She also received 500*l.* from a Mr. Cockayne, who is a well known solicitor in Lyon's-inn, and a friend of captain Huxley Sandon's.

But, to return for a moment to Mr. Donovan, the garrison-battalion lieutenant. This gentlemen, who was such a prominent agent in those transactions, was acquainted with an old officer, a Captain Tuck, whom he very strongly recommended to seek promotion; and to encourage him by a display of the facility with which it might be attained, he sent him a written scale of Mrs. Clarke's prices, for different commissions, which, in stating, I beg leave to contrast with the regulated prices of the Army.

	Mrs. Clarke's Prices.	*Regulated Prices.*
A Majority	£. 900	£.2,600
A Company	700	1,500
A Lieutenancy	400	550
An Ensigncy	200	400

From this scale it appears, that the funds I have before alluded to lost, in an enormous ratio to the gain of Mrs. Clarke, or any other individual acting upon the same system.

Here I am to take leave of Mrs. Clarke. Here the scene closes upon her military negociations; and in what follows, the Commander in Chief alone is interested. It appears that his royal highness required a loan of 5,000*l.* from col. French, and Mr. Grant, of Barnard's inn, promised to comply with the request in procuring the money, provided the Commander in Chief would use his influence and obtain payment to col. French of a balance due to him by government on account of the levy. This was promised, but the Commander in Chief failing to fulfil his part of the condition, the loan he required was not advanced, and 3,000*l.* still remain due from government to col. French. The case of this levy shews, first, that Mrs. Clarke, in addition to promotions in the army, to exchanges, and appointments on the staff, possessed the power of augmenting the military force of the country; secondly, that in this case, as in all others, she was allowed to receive pecuniary consideration for the exercise of her influence; thirdly, that the Commander in Chief endeavoured to derive a pecuniary accommodation for himself independently of Mrs. Clarke's advantages. The witnesses in this case are colonel French, captain Huxley Sandon, Mrs. Clarke, Mr. Corri, Mr. Grant, capt. Tuck, and Mr. J. Donovan.

The last case with which I shall at present trouble the house is that of capt. Maling. This gentleman was appointed to an ensigncy in the 87th regt. on the 28th Nov. 1805; to a lieutenancy in the same reg. on the 26th of Nov. 1806; and to a captaincy in the royal African corps, under the command of the duke of York's own secretary, col. Gordon, on the 15th of Sept. 1808. I have every reason to believe capt. Maling to be a very unexceptionable character, although I cannot help pronouncing the mode of his promotion as extremely exceptionable. But this promotion was effected through the influence of the favourite agent, Mr. Greenwood, in whose office Mr. Maling was a clerk, remaining at his desk while advanced in the army by such an extraordinary course—by a course which interfered with the interests, which superseded the rights of many meritorious officers who had long served in the army—who had fought and bled for their country. This Mr. Maling has also, I understand, had, while so promoted, some appointment of pay-master in Ireland. I would appeal to the candour of the house, to the common sense of any man or body of men, whether it be right, whether it be tolerable, that such an accumulation of favours should be conferred upon any individual without any claim of professional merit, but merely through the operation of undue influence, while so many hundreds of truly deserving men are slighted and overlooked? I would ask whether it be possible that our army can prosper—that its spirit can succeed, or its character be advanced, while such injustice is tolerated? But I will not dwell upon those points—it is quite unnecessary.

The facts I have stated are such as must suggest such reflections to any man's mind. The house must feel the propriety, the necessity of grounding some proceeding upon such facts. The proceeding I propose will, I have no doubt, be acceded to. I am sure I have stated quite enough to induce the house to give me what I ask—I could state more if necessary. There is indeed, one thing to which I cannot omit alluding. The house must be astonished indeed at the corruption of the times, when told, that there is at this moment a public office in the City for the sale of Commissions, at the same reduced scale as that of Mrs. Clarke, and that the persons who manage this office stated in my presence that they were the agents of the present favourite mistress, Mrs. Carey. Indeed, these agents declared further, that they were also enabled to dispose of places both in Church and State, and that they did not hesitate to say, that they were employed by two of the first officers in the administration. But these are points to which I may, on a future day, feel myself more enabled to speak at large.——The hon. member concluded with moving for the appointment of a Committee to investigate the Conduct of his royal highness the Duke of York, the Commander in Chief, with regard to Promotions, Exchanges, and Appointments to Commissions, in the Army and in raising Levies for the Army.

Sir *Francis Burdett* seconded the motion.

The *Secretary at War* said, that he did not rise to give any opposition to the motion. (Hear, hear, from the Treasury Bench.) If he did so, he would ill consult the wishes and worse consult the interests of the Commander in Chief. From a regard to the interests of the Commander in Chief he felt unfeigned satisfaction, that, at length, an opportunity was afforded of instituting an effectual inquiry into the grounds of the various calumnies and misrepresentations which had of late been so industriously circulated against that illustrious personage. The facts which the hon. gent. had brought forward were of the most serious nature, and well deserved the attention of the house. He hoped the house would go into the inquiry, but listen to no charge unless it was clearly and distinctly stated. Charges on these or any grounds distinctly stated, his royal highness was ready to meet, and even desirous of going into the investigation. This, he believed, was all that was necessary for him to say in this stage of the business; but he requested the indulgence of the house while he made a few observations not foreign to the question. With regard to the private transactions stated by the hon. gent. he had never heard of them before, and therefore could not be prepared to give an answer. But he could contradict those that were stated to have occurred at the Horse Guards. The papers respecting the half-pay fund were before the house, and he had stated in his place, without being contradicted at the time, that his royal highness had given up a great part of his patronage for the benefit of that fund. It was needless to go into the facts, more particularly as a full inquiry would necessarily take place. He would only remark, that the thanks which the house had been conferring on the army reflected no small credit on the Commander in Chief. His gallant friend near him (sir Arthur Wellesley) might perhaps, state of what description the army was which the Commander in Chief had put into his hands. Could the army have achieved the great exploits, for which it had been distinguished, if it had been ill-managed for a series of years. It had been universally allowed, that to make courage available in the day of battle discipline was necessary; and it was well-known how much the Commander in Chief had attended to that object, which had rendered the army so formidable to the enemy. Another fact to which it was important to allude, was the extreme order and regularity which had been introduced into the office of the Commander in Chief, which the inquiry would prove.

Sir *Arthur Wellesley* rejoiced that the hon. gent. had at length brought forward facts, to which a specific inquiry might be directed; and he rejoiced also, that the character of the Commander in Chief would not be the subject of that general sort of discussion, which sometimes took place in that house; but that every fact would be fully and fairly sifted. It had fallen to his lot to know how promotions were conducted in the office of the Commander in Chief, and he knew that it was regularly recorded in that office who recommended the promotion, and the documents would be found there, so that all these transactions might be completely traced. With regard to the produce of the half-pay fund, the mode in which the money came into the office, and the mode in which it was issued, were recorded. Under these circumstances, he rejoiced that a Committee was to be appointed, and he hoped they would make a special report—so much with regard to the alledged facts; but he must observe, with respect to the removal of the barrack master of the Cape of Good Hope, that such removals were circumstances of common occurrence. The instance in question related to the establishment at Ceylon; and in foreign establishments, though the facts stated by the hon. gent should be true, it constituted no ground of charge; for it was in the ordinary course of the service. With respect to the exchange between an officer going to the West Indies and one remaining here, the Commander in Chief would be in a most extraordinary situation if it was to be made a ground of accusation, that he had not consented to an arrangement tending to the convenience, perhaps to the benefit, of individuals. As to one of these gentlemen dying here, and the other in the West Indies, if these general charges were to be listened to, it would be impossible for a person in his royal highness's illustrious station to conduct the business. The circumstances stated by the hon. gent. went to shew that his royal highness, with a view to put a little money in his own pocket, had encroached upon the half-pay fund. But the house would recollect that this fund was established by his royal highness, and the money furnished from the produce of commissions, which he might have given away without any sale at all. But the Commander in Chief gave up his own patronage, and saved to the public an immense sum—and yet he was charged with an embezzlement of this sort! But he was glad that a full inquiry was to take place. There was still one topic on which he would be to blame, if he did not say a few words—he alluded to the state of the army under his command last summer. He must say, that never was there an army in a better state as far as depended on the Commander in Chief, and he must further say, that if the army had not performed the service for which it was destined, the blame would not have rested with the Commander in Chief, but with him; and whatever enthusiasm they had felt, was the result of the example and discipline afforded by the illustrious person at the head of the army.

Mr. *Yorke* observed that he never listened to a charge more serious, and he had heard it with the greatest possible concern, both on account of the Commander in Chief, and the hon. gent. who had brought it forward, (hear! hear!) who took so heavy a responsibility upon himself. But he was glad that the house had come at last to some Charges against h. r. h. the Commander in Chief in a tangible form. At length they could reach in a tangible shape some of those libels which had for some time past been more assiduously and pertinaciously circulated than at any former period in this country so prolific in libels. Publications which he would treat as libels, (hear! hear!) had lately appeared against the Commander in Chief, and these had been circulated with a pertinacity hitherto unexampled. He was glad therefore that something was now brought forward in a tangible form, and he hoped the House would do its duty to itself, to the country, and to the Royal House of Brunswick—(Loud cries of hear! hear!); that blame might rest where it ought to be fixed, and that if there was no ground for these accusations, justice might be done to the Commander in Chief. And he sincerely hoped, that if the latter should turn out to be the fact—the hon. gent. would be enabled to acquit himself, by shewing at least, that there existed some probable reasons in support of the heavy charge which he had taken upon himself. For my own part, Mr. Yorke continued, I believe that there exists a Conspiracy of the most atrocious and diabolical kind against his royal highness (loud cries of hear! hear!)—founded on the Jacobinical spirit which appeared at the commencement of the French revolution; for though this spirit did not shew itself exactly in the same form as at first, when once raised it was not easily quelled, and it never could promote its views with better hopes of success than by talking down illustrious persons—(hear! hear!). It was the object to write down his royal highness—it was no less so to write down all the establishments of the country. By means of the press, the liberty of which was so valuable, and the licentiousness of which was so pernicious, it appeared to be the design of the Conspirators to write down the military system through the Commander in Chief—the army through its generals, and other establishments through the persons most conspicuous in each—and of this plan the present was only a particular instance, (hear! hear!)—He was glad that this enquiry was to take place, because there was in the country a conspiracy against all that was eminent in the state. They all knew what that spirit was upon which this conspiracy was founded; and though it was not the same at present as at the time of the French revolution, yet, as the late Mr. Pitt had truly said, "the jacobinical spirit, when once roused, is not easily put down." The spirit was not yet extinct, and the consequence was a conspiracy for talking and writing down every thing illustrious and eminent in the nation—to run down the royal family through the duke of York, and to run down the army through its generals. This was a consequence of a free press, the freedom of which was justly considered the palladium of liberty, but whose licentiousness was the destruction of civil society. That licentiousness of the press had been actively directed against the illustrious person who was the object of this motion, and who from his station and all his past services, might be supposed secure from its attacks. Let blame fall where it ought; but the House ought to consider the illustrious object against whom the charge was directed; they ought to consider his high station in the country, and the eminent services which he had performed for the country, in the state to which he had brought the army—(hear!) What was the state of the army when he became Commander in Chief? It scarcely deserved the name of an army, and it was now found by experience to be, in proportion to its numbers, the best army that ever existed. The best mode to do justice to the sovereign—to do justice to the high character now impeached—and to do justice to the country, would, perhaps, be to appoint a Parliamentary Commission, with power to examine each party on oath—(loud cries of hear! hear! from both sides of the House.) The gentleman might have circumstances in view to support these charges, which he believed to be founded in truth. He only spoke of this Commission with reference to his own argument. He had said that he believed a Conspiracy to exist, and if the House could go along with him, and suppose that this was actually the case, he threw out for their consideration, whether a Parliamentary Commission with power to examine on oath was not preferable to a Committee. He could not think he had done his duty if he had not thrown out this idea for consideration. The importance of the subject well deserved such a mode of proceeding. But at all events, he was happy that the matter would now be properly investigated.

Sir *Francis Burdett* having never, either in that house or elsewhere, talked of the Duke of York with disrespect, could have no view but what was entertained by the right hon. gentlemen opposite in seconding the motion then under consideration, and he entertained the same hope that the inquiry would terminate in the entire exculpation of his royal highness. He was sure there could be no other feeling in the house upon the subject. He agreed with the right hon. gent. who spoke last, that the hon. mover was entitled to the thanks of the house for having brought this matter forward, when he heard of the facts he had detailed. It was his duty to do so, and he was consequently entitled to commendation. For his own part, he had not known any thing of the motion of the hon. gent., further than as any other member might from the notice he had given of his intention to bring it forward. But the facts he had stated appeared so serious, that he thought the house was bound to inquire into the case, and had therefore seconded the motion. He sincerely hoped, that, upon inquiry, it would appear that the facts alledged originated in error, or in mischievous intentions, and an unfair wish to run down the duke of York. It was impossible to avoid such things in a country where free discussion was allowed. There was no man in a public station, or indeed in any prominent rank in the country, who must not have felt the effects of this privilege of a free press. But it was also a consequence of the same freedom of discussion, that any party aggrieved had easy access to the courts of justice for redress; or, if that mode should not be resorted to, that the calumny would die away, and leave the character it assailed brighter than before, when cleared up from false accusations. This he hoped would be the case in the present instance; and indeed, if it had not been for the facts so strongly stated by the hon. gent. he could not have entertained even the shadow of a suspicion that it could possibly be otherwise. He had risen only to state the grounds of his having seconded the motion, for having brought which forward he thought the hon. member entitled to the thanks of the house.

Mr. *William Adam* said, he gave way to the hon. baronet, in order that he might have an opportunity of shewing, as he had done, with so much coolness, candour, and politeness, the motives which induced him to second the present motion. He was extremely glad he had done so, as the whole of the hon. baronet's sentiments had been delivered in a manner highly honourable to him. His chief reason for offering himself to the house, on the present question, was for the purpose of stating what he thought would be the most desirable method of proceeding in the present case. In forming the opinion he was about to deliver to the house, he looked only to the principles of the British Constitution, and the invariable end of its justice; viz. that from the highest subject to the lowest, every person accused must be taken to be innocent, till proved to be guilty. With respect to all those alledged facts which the hon. gent. had brought forward in a very candid manner, he had not the smallest doubt, however the hon. gent. might have been induced to give credence to their truth or probability, that it would ultimately turn out, on a proper investigation, that they were founded in falsehood and misrepresentation. As to that relating to the service of plate, it came in such a questionable shape, and from such a quarter, that he was sure no gentleman could believe it true. From the situation which he had gratuitously filled in the way of his profession in the service of the illustrious personage, the object of this motion, he was enabled to speak without bias, and with certainty, respecting his revenues, and every circumstance connected with them. During the twenty years that he held his office, he had been intimately acquainted with all his royal highness's affairs, without any circumstance being kept from his knowledge. At every moment of that long period he had possessed the unlimited confidence of that illustrious person, even during his embarrassments (for, as they had been under the consideration of parliament, he might advert to those embarrassments), and in all his experience of him he had known his royal highness uniformly to state the situation of his affairs with an accuracy, that was extraordinary, with a truth beyond example, and with a fidelity of memory, that reflected the highest credit upon his understanding. In all that time he had never heard of his having procured any accommodation or loan on any other terms, than the duke of Bedford, the duke of Devonshire, or the duke of Northumberland would, if they had occasion. This he stated, in order to shew that, in the inquiry that was to take place, from what the house knew personally, he could confidently assert, that the facts alledged would prove unfounded. And, as he felt no bias on the occasion, but what arose from a regard to justice, the mode of proceeding he had to propose, was suggested solely with a view to promote it. The inquiry should, in his mind, be public, as the charge was, and the authority of that house, when examining witnesses at its bar, would insure their punishment in case of prevarication. It would not be proper to carry on the inquiry under an act which would require the sanction of the other branches of the legislature. Gentlemen should recollect, that this investigation might lead to an impeachment hereafter, and therefore the house ought not to part with its power of inquiry, or delegate it to a parliamentary commission, when the investigation would be carried on more properly, more effectually, and more constitutionally in a committee of the whole house. It was fit, as the charges had been made before the whole house, that the investigation should be carried on before the whole house of commons of the empire, in order to ascertain whether the faults charged could be brought home to his royal highness; for if they could not be so brought home, the inquiry could lead to nothing. Upon these grounds, he was of opinion that the inquiry should not be secret, but publicly carried on in that House, where the charges had been stated. A public investigation, before the world, at the bar of that house, would prove best as regarded the house, best as regarded the Commander in Chief, and best as it regarded the hon. mover and the public, who must be deeply interested in the result of this important inquiry.

Mr. *Wilberforce* expressed his sense of the importance of the subject which was submitted to the consideration of the house. He was confident that the hon. mover was impressed with the great responsibility which attached to a charge brought, as it was, against such an elevated character in the country. He did by no means wish to convey any idea that the extent of such responsibility ought at all to deter a member of that house from bringing before it an accusation, for which he had convincing testimony, although directed against one of the most considerable persons in the empire, both in rank and influence; but he did conceive that when high character was implicated, the most efficient and most satisfactory mode of investigation ought to be adopted. He contended that an inquiry at the bar could not be conducted with impartiality, in consequence of the interference of party spirit. To enable the house to arrive at that desirable end, he fully agreed with his right hon. friend (Mr. Yorke) near him, that the investigation of the charges that night preferred ought to be committed to a parliamentary commission, specially delegated for that specific purpose. Such inquiry was not to be considered private or secret. It would afford the best species of communication, namely, publicity at the end, but not in the progress of the investigation. Whoever had attended to the consequences of public examination at the bar of the house, could not be blind to the numerous and fatal inconveniences of such a mode of proceeding. The very object for which it was proposed was too often defeated by the means. By the appointment of a Commission the witnesses would be examined upon oath; all party bias and personal altercation would be prevented, and, of course, a weight and confidence would be attached to the decision of those delegated, and to the testimony of those examined, which it was impossible to expect from any public discussion or examination at the bar. It was for the house to bear strongly in its recollection, that in the present unexampled and critical state of the civilized world, all Europe looked with a vigilant and anxious attention to the deliberations of the British House of Commons. That house was now put on its trial before the scrutinizing tribunal of public opinion. It had to render justice, both to the illustrious personage, whose character he expected would come clear and unsullied from the ordeal, and to the country, which was equally interested in the result. The claims of the public demanded that the representatives of the people should look to substantial justice, however high the rank, eminent the services, or splendid the connections of the dignified personage against whom such charges were preferred. That justice, he conceived, could be most satisfactorily obtained by an inquiry, private in its progress, but to be public in the result, particularly when he reflected on the description of persons likely to be examined, and the importance of the interests affected by the accusation.

The *Chancellor of the Exchequer* coincided in the unanimous feeling of the house, that to the most solemn and serious accusation brought forward that night, the most solemn and serious inquiry ought to be afforded. The only difference that seemed to exist in the mind of gentlemen was, as to the manner of conducting that investigation, whether the ends, to which all looked with equal eagerness, were more likely to be acquired by a private and delegated examination, or by a full, prompt and public discussion, arising from the testimony, which the hon. gent. who submitted those charges to parliamentary consideration, may be enabled to produce at the bar of that house. The more the house reflected upon the importance of the subject, the high station of the party, or the important interests connected with this inquiry, the more it would concur with his hon. friend (Mr. Adam) that it should not abandon its inquisitorial functions in this instance. He could state upon the authority of the illustrious person himself, given him at the only opportunity he had of consulting with him upon the subject, that the most ready course of prosecuting the inquiry would be the most agreeable to him, and that he deprecated nothing so much as a course that would impede the final result. That illustrious personage wished, like any other subject, to be put publicly upon his trial, and to stand acquitted or convicted upon the case that might be made out: at the same time that he had a thorough conviction, that he should exculpate himself from all charge. From the nature of the facts which had been already stated, he would stake his reputation upon it, that it was impossible that, after the result of the inquiry, any suspicion could even attach to his royal highness. But he was sure the house would pause before it would depart from its established usage to adopt a parliamentary commission. He felt the inconvenience of a parliamentary inquiry; but these inconveniences must be encountered on so important an occasion.—The hon. gent. (Mr. Wardle) had in the course of his speech stated a circumstance which particularly involved the character of his majesty's government. He had mentioned that two members of the king's cabinet were concerned in this agency for the disposal of government patronage. This was a topic on which he felt it due to himself to require the fullest information, and it was for the option of the hon. gent. to determine, whether he would afford it in a public manner in that house, or by a private communication to some of the responsible servants of the crown (a cry of name! name!). When in possession of that information, he assured the house that by him no measure would be left undone to unravel and elucidate the truth or falsehood of that allegation, nor any diligence omitted to bring the delinquents, if any there should be, to justice. It was not for him to tell that house, that in this great capital it might happen that foolish persons were frequently deceived by advertisements in the public papers, announcing the disposal of official patronage. And perhaps it had occasionally turned out, that the very persons who were originally deceived by these advertisements to make applications, did ultimately obtain the very appointments for which they had endeavoured to negociate; but he was convinced that as there was nothing so discreditable to government, so there was nothing more false in fact than the idea, that money was paid to persons high in office for such transactions. For the distinct manner in which the hon. gent. submitted the question to the house, he conceived him entitled to its thanks. He had pledged himself to bring his charges home to his royal highness. Upon that pledge the proposed inquiry was admitted; and both for the accuser and the accused, to guard against suppression and insufficiency of evidence, publicity was essentially necessary. When, therefore, the question for inquiry by a Committee should be disposed of, he should second a motion that the Committee be a Committee of the whole House, if his hon. and learned friend (Mr. Adam) should make that motion.

Mr. *Wardle* stated, that he was anxious to afford the fullest information in his power to the right hon. the Chancellor of the Exchequer. The office where this agency was transacted was in a court out of Threadneedle-street. The names of the agents in that office were Heylop and Pullen. They had stated various situations purchased in the Island of Jamaica, and that the two members of the present cabinet, for whom they acted in such negociations, and to whom he alluded in his speech, were the Lord Chancellor and the Duke of Portland.

It was then carried, *nem. con.* that the conduct of his royal highness the Commander in Chief, in the appointment to Commissions, regulating Exchanges, and filling up of Vacancies in the Army, be referred to a Committee. The Chancellor of the Exchequer then moved, that it should be a Committee of the whole House.

Lord *Folkestone* considered the hon. mover entitled to the fullest credit, for the manner in which he brought the subject forward. He was of opinion that the ends of justice would be best answered by referring the inquiry to a Select Committee, from whose Reports all the benefits of publicity would be derived. From the inconveniences which he had witnessed in the progress of an examination at the bar, he submitted whether any mode of conducting the inquiry was not better than that proposed by the right hon. gent. It was extraordinary to see the Chancellor of the Exchequer interfere with the mode of proceeding which the hon. mover had adopted, when the house recollected with what severe comment that gent. (Mr. Perceval) remarked upon certain members on his side of the house, for the alledged indecorum of taking certain measures out of the hands of the original proposers.

Mr. Secretary *Canning* conceived that the surprise expressed by the noble lord in seeing his right hon. friend propose to the consideration of that house the most desirable mode of proceeding, would have been prevented if that noble lord had considered the nature of the improvement which was recommended. The interference of his right hon. friend was not to restrict, but to extend inquiry; it was not to narrow the means but to enlarge the sphere of deliberation. It was an improvement suited to the importance of the accusation, and to that serious discussion which so many commanding inducements pressed it upon that house to afford. The house should recollect that if such charges were proved, the issue of its deliberation might lead to a proceeding affecting the most valuable privileges of parliament, and the dearest interests of the elevated and illustrious personage affected by their decision. It was established by various precedents in parliamentary history. It was to a Committee of the whole House the case of the duke of Marlborough was submitted, because such proceeding was considered correspondent with the gravity of its judicial character, and because it was a species of trial which united earliness with publicity. When, therefore, the noble lord complained that an attempt was made to take the subject out of the hands of the hon. gent. who originally brought it forward, the propriety of his reproach amounted to this, that the Chancellor of the Exchequer had proposed a motion calculated most effectually to promote the object which the original mover professed to have solely in his view. Indeed, the hon. mover himself did not feel as if the proposition of his right hon. friend was any unjustifiable attempt at interference, nor did he evince any hostility to submit his charges to the house of commons in its most extended capacity. That hon. gent. had declared to the house, that in calling its attention to this very important subject, he was solely actuated by sense of public duty; that he was free from any hostile feeling to the elevated personage, whose character his charges went so vitally to affect. For the impulse of public spirit and disinterested patriotism, he (Mr. C.) was willing to give him credit, and surely that hon. gent. could not be dissatisfied with those who placed him upon the most commanding stage, to reap the benefit of his patriotic labours.—(Hear! hear!) He surely must be aware, that having undertaken the responsible task of submitting to a British House of Commons such a serious accusation, that whatever might be the issue of its deliberation; in whatever view the house shall consider the transactions which he has disclosed, whether they be refuted or substantiated, infamy must attach somewhere—either upon the accused or the accuser.—(Hear! hear!)—From the system which had been deliberately pursued for some time past, by the enemies of his royal highness, he had to congratulate that illustrious personage, and at the same time to thank the hon. mover, for the opportunity of canvassing the subject upon charges preferred in a tangible shape. Whatever result might ensue from such accusations, it was not to be denied, that that royal personage had been subjected to the systematic calumnies of a set of unprincipled libellers; that in their vile and malignant publications he had been treated with a brutality of insult which almost made good men hesitate in deciding, whether the value of a free discussion was not considerably depreciated by the evils of its unbridled licentiousness. For the last six months scarcely a day had elapsed without some fresh attack upon his honour, his character, and his feelings. There was a cowardliness, a baseness, a wretchedness, in the villainous libels against his royal highness, which far exceeded the calumnious profligacy of other times. A cowardice too of the basest kind, participating of the most depraved and odious qualities, deserving of that execration which the best feelings of humanity would pronounce on the base assailant of female weakness, because to direct unfounded attacks against those in high authority, was nearly similar to an attack on an undefended woman. It was therefore, as sincerely interested in the honour and reputation of his royal highness, that he rejoiced to find that this question had taken a distinct shape, and that in the due and proper place, the period for inculpation, and he was sure of exculpation, had arrived. It was for parliament to give the subject the fullest inquiry, but he trusted that the hon. mover would in the first instance, without any subsequent restriction, direct his proofs to the specific objects on which his charges of that night were founded.

Mr. *Whitbread* concurred heartily in the recommendation of the Chancellor of the Exchequer, and the conclusive arguments of the right hon. secretary, for the most public inquiry. Whatever inconvenience might be the consequence, would be more than counterbalanced by the solemnity of the process; and the advantages of publicity. It was due to the elevated rank of the illustrious personage accused, and to the great interests of the country, which were so implicated in the issue. The right hon. secretary had assumed as a fact, that such a Conspiracy as he described, existed, and upon that assumption he rested all his arguments. If such a Conspiracy did exist, every man must lament, that such a character, elevated in rank and influence, should be exposed to unmerited calumny. Still it was to be presumed and hoped, that a prince of the house of Hanover would prefer even suffering under such attacks, rather than risque the liberty of that press to which that family and the British Empire owed so much. But why was this brutality of insult so long suffered to continue? Were the Attorney and Solicitor Generals asleep, and the other law officers of the crown asleep? How came it that they neglected their duty? He was ready to give them credit that the omission was not intentional. There was one point in the speech of the right hon. secretary from which he must dissent. It was assumed by him, that if the result should, as he trusted, acquit his royal highness, his hon. friend would be infamous for preferring the accusation. Such doctrine was not supported either by the spirit or usage of the constitution. If there were justifiable grounds for his charge, or if informations of a strong kind were laid before him, it was his bounden duty, as an honest public servant, to act upon it in that house. In compliance with that sense of duty, his hon. friend did submit the subject to the house, and whatever might be the issue, he was convinced that not a particle of infamy could attach to him (Mr. Wardle.) He had thought it necessary to say thus much, from the conviction he felt of the purity of the motives that influenced his hon. friend, upon this occasion. There was one strong reason that this business should go to a Committee of the house, which weighed particularly with him; namely, that it would be impossible to select any set of names that would satisfy this herd of libellers, and calumniators, of which such mention had been made by the right hon. secretary.

Lord *Castlereagh* was happy to find that there had been such an universal concurrence of sentiment with respect to the necessity of examining in the most solemn manner the charges which had now been brought forward. He should have thought it unnecessary to trouble the House on the occasion, if it were not for one or two expressions which had fallen from an hon. gent. (Mr. Whitbread), who seemed to censure the idea of there being a systematic conspiracy to calumniate the duke of York and the royal family; and who stated that ministers and the law-officers must be much to blame for not instituting prosecutions, if such a conspiracy really existed. He was somewhat surprised at the course which had been taken in the debate by a noble lord (Folkestone), who suffered the original motion to be carried, *nem. con.* and afterwards spoke against the course which the house had adopted by that resolution. For his part, he thought that every possible publicity should be given to the proceedings upon this important occasion. It was a proud situation for the constitution of this country, to have a personage the most exalted in rank of any subject in the realm (except one), desiring the same publicity in the examination of the charges against him, as would take place in the case of the lowest and meanest subject. Although every gentleman would perceive that the house would suffer great inconvenience in being obliged to devote to this examination so much of that time that was wanting for other important business, yet it would be better to suffer that inconvenience than suffer calumnies to rest upon persons in the most distinguished and important public situations. He thought the house and the country should feel indebted to the hon. gent. who brought this matter forward, as it was reducing those charges which had been so often made, into a tangible shape and a form, upon which a regular decision might be had. It should be recollected, however, that every charge which had hitherto been made in that house against any part of the conduct of the duke of York, had only tended to raise h. r. h. higher in the estimation of the public, and exhibit in a clearer view the purity of the principles upon which he acted. With respect to the doubt which the hon. gent. (Mr. Whitbread) seemed to entertain, of the existence of a systematic conspiracy to traduce and calumniate the duke of York and the other members of the royal family, he should ask who was there that read those news-papers which are daily presented to the public, and those other publications which come before them more indirectly, that could entertain a doubt of this systematic conspiracy? It was evident, that the same party, who, in times past, endeavoured to subvert all the establishments of the country by force of arms, was now endeavouring to undermine them by calumniating whatever is exalted in rank, or distinguished in situation. That party could not now think of carrying their object by force of arms, as they knew the attempt would be too desperate and dangerous in the present times, but they were unremitting in their exertions to prepare the way to the objects which they hoped to accomplish, by calumniating the members of the royal family and all persons in eminent and distinguished situations. The hon. gent. asked, what were ministers and the law officers doing, or why they did not institute prosecutions? The fact was, that they had instituted numerous prosecutions; but their entire time would be taken up in prosecuting the libellers of the duke of York, if every libel was to be prosecuted. There was also one reason which often prevented prosecution. It required but some ingenuity, united with a moderate share of legal knowledge, to render it extremely difficult, to establish the charge of libel. There was another way in which libellers might escape justice. When the law was going to be put in force against them, they shrunk from the laws, and quitted the country. In a very remarkable recent case (that of major Hogan), even before the libel issued from the press, the author had secured his passage to America. The house and the duke of York were now in a new situation, and he congratulated them and the country upon it. There was much more chance of mischief from malignant misrepresentations out of that house, than from direct charges brought in a fair and manly way in that house. As those charges had been so brought, he thought it necessary that they should undergo the most solemn, serious, and public investigation. He thought the greatest possible publicity should be given to this examination, and that every step of it should be in the face of day. He was, therefore, not for leaving it to any select Committee, nor even to the twelve judges, nor to any thing short of that full and open examination, which might be had at the bar of that house. He therefore trusted the house would adopt that course.

After a few observations from Mr. Wardle, it was resolved that the house should on Wednesday next resolve itself into that Committee.

The *Chancellor of the Exchequer* then proposed, that the hon. gent. should give in a list of the names of those Witnesses he intended to call to substantiate his Charge, that such persons might be summoned to attend.—Mr. Wardle (after having gone to the table to make out his list of Witnesses) returned to his seat and said that he thought it would be attended with no inconvenience to defer mentioning the witnesses till Tuesday, when he should come down prepared to furnish the house with the first part of the case he should proceed to prove, and a list of the witnesses whom it might be necessary to examine relative to that first charge.

[BRITISH ARMY IN SPAIN.] Mr. *Ponsonby* wished the noble lord, opposite, to inform him, whether it was his intention to lay before the house a return of the loss sustained by the British Army in Spain, during the late expedition to that country. Such a document was necessary before he proceeded with the motion, of which he had given notice, relative to the mode in which the war in that country had been conducted. If the noble lord did intend to produce this return, he trusted it would be done previous to the day for which his notice stood, and he should feel obliged to him to mention about what time he thought it would be in his power to do so. If he had not this intention, it would be his duty to move the house for that purpose.

Lord *Castlereagh* said, there could be no objection to laying this return before the house, but as it had not yet been fully made to government, he could not possibly condescend upon any particular day.

General *Stewart* rose to do away an impression of a very unpleasant nature, which had been made on the public. It had been stated, and was very generally believed, that our loss in Spain amounted to 8 or 9,000 men. He could take upon himself to state, that it did not exceed half that number.

Mr. *Ponsonby* asked, if he alluded only to the loss sustained in the retreat, and at Corunna?

General *Stewart*. During the whole campaign—from the first moment the British army entered Spain till their final embarkation at Corunna. (Loud and repeated cheers.)

HOUSE OF LORDS.

Tuesday, January 31.

[DUKE OF YORK — DISCIPLINE OF THE ARMY.] The Earl of *Suffolk* called the attention of their lordships to a few observations which he should wish to make upon a subject of great public interest. He allowed that it might not be altogether corresponding with the rules of that house, but on such an occasion he was convinced that their lordships would excuse him. For some time past, rumour had been exceedingly busy in spreading reports of a tendency extremely injurious to the character of the Army; he meant not only the busy whispers that prevailed among the ill-natured, but the public attacks that slander had made upon its discipline. Having been bred a soldier from his earliest days, he could not hear these scandals and falsehoods propagated without taking the first opportunity that presented itself of giving his meed of refutation to the calumny. He was the more anxious to do this, because not only the Army deserved it at his hands, but the conduct of the Illustrious Personage who has the command in chief of it, loudly called for it as an act of justice; for he could take upon him to say, that the British Army never was in the memory of man in so complete a state of discipline; as it had arrived at since his royal highness had been appointed to that great and responsible situation. The whole object of that illustrious duke had been to bring the army to that state of perfection which by its recent demeanour, it had so nobly proved. It was that discipline which enabled our troops, after a march of upwards of 400 miles through a barren tract of country, at an inhospitable season of the year, to give battle to their adversaries, and gain over them a signal victory: it was that discipline which enabled them to sustain all the hardships and all the privations which they endured in that retreat, and, finally, to secure and save themselves from a tremendous enemy. This was the effect of the discipline introduced and acted upon throughout the British forces, and which was demonstrated in a thousand instances. There was one which he would mention, however reluctant he was to do it, and that was, when his royal highness heard that the lieut. colonel of a regiment (the regiment which his lordship commanded, and which the late lieut.-general sir John Moore once commanded) was deficient in talent and knowledge to hold such a commission, he removed him, and appointed another more effective in his stead; and neither his family connections (being the son of a noble lord), nor any other interest, was allowed to prevent that removal: the consequence whereof was, that the regiment immediately improved in effective force as it did in discipline.—There was another circumstance which he wished to notice to their lordships, and that was, an ill-founded opinion entertained of that excellent institution the Military Asylum, namely, that it was a useless burthen to the state. This his lordship could most solemnly contradict, and also take upon him to say, that a more beneficial establishment, as a nursery for good soldiers, never was instituted in any country. That was all with which, on the present occasion, he should trouble the house.

HOUSE OF COMMONS.

Tuesday, January 31.

[WARRANT RESPECTING MR. JEFFERY OF POOLE.] Mr. Sec. *Canning*, by command of his majesty, presented from the bar, a copy of the Patent appointing Mr. Jeffery his majesty's Consul-General in Portugal.

Lord *Folkestone* wished to be informed, whether any salary was annexed to the office of Consul-General in Portugal, as that did not appear by the patent of appointment.

Mr. *Canning* replied, that no salary was annexed upon the face of the patent, because no emolument was derived from the public revenues of this country. The salary was derived from the Consul's fees, which fluctuated in amount between 1,500*l.* per annum the lowest, and 3,000*l.* the highest limit. At the appointment of Mr. Jeffery, it was thought desirable to lower the emoluments of some Consuls, and raise those of others, and to place the Consulate in Portugal on the footing of the North American Consulate, excluding persons in trade, and limiting the income. The amount of emolument which Mr. Jeffery was to have, was 1,500*l.* per ann. and one fourth of what fees he should collect over that sum, as an inducement to ensure their collection; the other three-fourths of the surplus of the fees over 1,500*l.* to be handed over to the fund, as a provision for other Consuls. He was, however, to admit, that an assurance had been given to Mr. Jeffery, that if the fees of his office should fall short of 1,500*l.* they should be made good to that amount, so that it was barely possible that he should have to derive any part of the income of his office from the public revenue of this country.

Mr. *Tierney* asked whether it was intended that the salary of the office was to be enjoyed by a member of parliament resident in this country without vacating his seat.

Mr. *Canning* replied that he had imagined the hon. gent. whose appointment was alluded to, had immediately proceeded to his destination, until this question had been started, when, upon inquiry, he found he had been detained by private affairs. If that gentleman should hereafter return for a time to England upon leave of absence, he saw no reason why he should be precluded from receiving his fees of office.

[CONDUCT OF THE DUKE OF YORK.] Mr. *Wardle* declared he should do every thing in his power in order to be able to go into his case against his royal highness the duke of York, relative to the exchange of major Knight and lieut. col. Brooke, with the witnesses at present in London. If he should not, he trusted the house would indulge him with some further time, and for the attendance of these officers, the former of whom he understood to be at present in Jersey or Guernsey. He trusted, too, that he should be allowed to call for all official and other documents, which might be necessary to make out his case.—The following witnesses were ordered to attended the committee of the whole house to-morrow: viz. Dr. Thynne, Robert Knight, esq. Mary Ann Clarke, Westbourne-place, Sloane-square; and lieut. col. Brooke, 5th Dragoon Guards. It was also ordered, that R. M. Biddulph, esq. be desired to attend in his place to-morrow, and that the Banking Books of the house of Biddulph and Co. for the month of July 1805, be produced.

[VOTE OF THANKS TO GEN. CRAUFURD.] On the suggestion of lord Castlereagh, the Vote of Thanks to the officers engaged in the battle of Vimiera was read, when, on the motion of that noble lord, the same thanks were voted to brig.-gen. Craufurd, whose name had been, through inadvertency, omitted in the former vote.

[DEBTORS IN EQUITY.] Sir *S. Romilly*, pursuant to notice, moved for, and obtained leave to bring in a Bill for extending the provisions of the 32d Geo. 2, to Debtors confined for Equity Debts. The hon. and learned member stated, that there was no difference in reality between legal and equity debts, but in the mode of recovery, as Equity Courts imprisoned the parties not for debts, but for contempt; and yet, by some unaccountable omission, the provisions of this humane act, commonly called the Lords Act, had never yet been extended to Equity Debtors. On these grounds leave was given to bring in a Bill to extend the provisions of the Act to persons in custody for non-payment of money pursuant to orders of Courts of Equity.

[ARMY CLOTHING CONTRACTS.] Mr. *H. Thornton* adverted to the subject of certain contracts of a former year, for supplying the army with great coats, which was brought into discussion towards the close of the last session, by an hon. gent. opposite (Mr. Wardle), and rose now for the purpose of moving that there be laid before the house the copy of a letter of the 29th of June, 1808, addressed by Messrs. Pearse and Co. army clothiers, to h. r. h. the commander in chief, the production of which he was confident would vindicate the conduct and character of those respectable persons from the obloquy which had been thrown upon them by the hon. gent. and prove that the statements on which that hon. gent. had founded his motion were completely erroneous. Indeed, he had hoped that the hon. member himself, now that he was apprized of the circumstance, would have been forward to acknowledge his error, and do justice to the characters and feelings of those gentlemen, for the injury they had sustained from his statements. He moved for the letter above stated.

Mr. *Wardle* said, he felt himself taken by surprise in this motion of the hon. gent. He however felt confident, that the letter in question, so far from exculpating the conduct of those persons, would render it still blacker; as he could prove, that they had no scruple in falsifying upon one page of their books, when it served their purpose, that which they asserted on another, and that the public suffered great injury from their conduct.—After some further conversation the motion was withdrawn.

[SIR JOHN MOORE'S DISPATCHES.] Mr. *Whitbread* wished to ask the noble lord opposite, whether there was any probability, that the public would be gratified with the publication of any part of sir John Moore's dispatches. From what fell from the noble lord on a preceding evening, he was taught to expect there would be no objection to publish certain parts of these dispatches. He had looked with great anxiety to Saturday's gazette, and was disappointed to find they did not appear in it.

Lord *Castlereagh* observed, that the hon. member had anticipated what he intended to mention before he sat down. The purpose for which he chiefly rose was to ascertain from an hon. member, on the opposite bench, the nature of the motion respecting Spain of which he had given notice for Monday se'nnight. The period of discussion being so remote, it was very desirable for both sides of the house to be put in possession of all the preliminary information that was necessary. They would be the more competent to come to a fair decision, by possessing those instructions on which the campaign was carried on. On the part of government, there would be no objection to granting copies of these. The only restriction they wished to make related to pending instructions; and copies of these he hoped to be able to lay before the house while the other papers were preparing. Ministers were as anxious as the hon. member for the discussion; and as it would much forward the business, if the necessary information were obtained, he trusted that the hon. member would frame a motion with a view to that object. He would be happy to communicate in private with him on the subject, and to facilitate his object by every means in his power.—With respect to the question put to him on the subject of sir J. Moore's dispatches, he regretted that it was not possible for him to gratify the hon. member's curiosity. Those dispatches he considered as private and confidential. They were marked so on the back of the letter; they were so declared to be in the body of the dispatch. It was distinctly left to the discretion of ministers to publish such parts of them as they pleased, or to withhold them altogether. It certainly was the wish both of himself and his colleagues to gratify the public and the friends of that gallant officer with extracts from the dispatches, but they found it so difficult to select such parts as it would be prudent and proper to publish, that they were under the necessity of wholly relinquishing the design. After the letter relating to the last event in Spain, there was nothing in sir J. Moore's dispatch necessary to be made public in the gazette. Upon mature consideration, he was convinced that it could not, with any propriety, be brought forward as an insulated production. He wished, however, to gratify the friends of that gallant officer as far as possible. Their object, he presumed, would be obtained if the dispatch should become public in any way. He had no objection that it should be produced as part of the correspondence necessary for the discussion of the conduct of the war in Spain, though he must still adhere to his objection of publishing it in the gazette.

Mr. *Ponsonby* had no objection to state the general purport of his motion. It would be for a general inquiry into the conduct of the government with respect to Spain, and the manner in which the compaign had been conducted in Spain. If the noble lord conceived there were any papers that might render further inquiry necessary, it was within his discretion to move for their production.

Mr. *Whitbread* said, after what fell from an hon. general on a former evening, and what was known to be the wish of the friends of sir J. Moore, he had been induced to entertain hopes that certain parts of his dispatches would be published. At the same time, he agreed with the noble lord, that it might be improper they should appear in the gazette. He was happy, however, to hear from him that there would be no objection to their being produced in another form.

General *Stewart* stated, that sir J. Moore, in delivering his dispatches to him, observed that they were private and confidential; but that ministers were at liberty to publish any parts of them they might think proper.

[NEGOTIATION WITH RUSSIA AND FRANCE.] The Papers relative to the late Overtures from Erfurth being entered as read:

Mr. Secretary *Canning* then rose, and said, that in proposing to the house to address to his majesty the expression of their thanks for the communication which his majesty had been graciously pleased to make of the Papers upon the table; their acknowledgment of the principles upon which his majesty had acted throughout his communications with the courts of France and Russia; and their resolution to support his majesty during the continuance of the war, which he had been unable to bring to an end consistent with honour or security, he could not anticipate opposition, nor did he believe there could exist any diversity of opinion. He apprehended, that any question which would that day arise, must apply to the conduct of his majesty's government as to the manner in which it had followed up its principles, and not to the principles themselves upon which they had acted. Whatever of doubt or of hesitation there should be, would only be felt as arising out of the particular steps of the negotiation, and not as to the principle upon which it turned, or the result in which it terminated. No man, he believed, in the house would say, that if the business had been otherwise conducted, it would have led to a negotiation, or ended in peace. What he, therefore, had to say in proposing the Address, would lose much of its interest, because the result under any circumstances would not have been different, as the intentions of the enemy were obvious on the face of their overtures. No man would contend that the overtures had ever been sincerely meant to lead to a negotiation, or afforded the slightest chance of peace. On the face of the overtures their delusive character was manifest, and he saw before hand what must have been the necessary result. If it could be shewn that any principle had been introduced into the discussion inconsistent with the sincerity of pacific intentions, or any opportunity lost of bringing to a point the intentions of the enemy; if it could be shewn that any occasion had been taken to put an end to the intercourse, before it was obvious that it could not be continued with any prospect of success, or without dishonour; he would admit, that in either of these cases, though the final result might be the same, yet that blame would justly attach to his majesty's ministers. In what he had to say, therefore, he meant to confine himself to their conduct, rather than by argument to enforce principles upon which every man must be agreed. There was this singularity in his present situation, in moving the Address upon this subject, that if ministers had been called to account for their conduct in the transaction, either at the moment in which it took place, or immediately after its termination, he should have had far different topics to touch upon from those to which he was now obliged to advert. Any man who recollected the sensation excited by the receipt of the overture in this country, any man who could remember the state of the public mind at that period, and upon this subject, must be aware, that if any fault was attributed to his majesty's government, it was that of having entertained delusive overtures of a dangerous tendency, rather than that of putting a precipitate stop to the prospect of a negotiation. The general apprehension at that period was, lest ministers should suffer themselves to be entrapped into an idle and delusive negotiation, which could lead to no pacific result, and would only tend to forward the insidious views of the enemy. Even those, who at all times had been the advocates of peace, and recommended the necessity of negotiation, even all those were universally of opinion, that in making the overture, the enemy had no intention but to delude, no object in the proceeding but to profit by that delusion. At that time he and his colleagues had the misfortune, if misfortune it could be called, to differ from the public impression. They felt it their duty, however delusive the overture might appear to be, to endeavour to ascertain, beyond the possibility of doubt, the real intentions of the enemy. If they had suffered any unnecessary time to elapse before they had accomplished that object, he would allow it to have been a practical evil to the country; but it was an evil counterbalanced by the advantage resulting from shewing, that whilst we were sincere in the desire of peace, the real intention of the enemy was to delude by a hypocritical ostentation of a desire for peace. For one he had thought it his duty, before the overture was rejected, to try to ascertain whether the enemy were really desirous of peace. Many persons at that period were of opinion, from the unexampled atrocity of Bonaparte's conduct towards Spain, that we would have been justified not only upon every ground of high spirit, but upon every dictate of sound principles, in rejecting every overture from him towards negotiation. Most people thought the withdrawing the French troops from Spain, and a restoration of the legitimate government in that country, ought to have been made the conditions of entering into any negotiation, or of accepting any overtures. Upon the moral principle, he could not differ from those who entertained that sentiment. But, thinking that political considerations were not always to be controuled by the principles of morality, and that governments had other complicated duties to perform beside what a rigid regard to the abstract rules of morality enjoined; however atrocious, however violent, or however iniquitous the conduct of Bonaparte might have been, he did not think that this government had any political right to demand atonement as a preliminary to negotiation. There was not in this world an authority that could confer such a right, and consequently, he did not make the demand. He was ready to allow, however, that if the demand had been made, it would have placed this country upon a high and commanding ground, though he did not deem it wise to to reach that elevation at the expence of any essential interests. However atrocious, therefore, the conduct of Bonaparte, however iniquitously it might have surpassed the atrocity of all his own former examples, his majesty's ministers did not think it right to demand any conditions from him, but such as by the refusal of them he must place himself at the bar of the European world as the enemy of its repose. They had not made any sacrifice of the hopes of peace by insisting upon conditions, which they had no right to demand, or yielding to popular feeling rather than their sense of public duty. Their impression was to shew, that if there was any chance of peace they were ready to avail themselves of it; but if, as they foresaw, no such result should follow from the overture, they were determined that the fault should not lie with them. They felt that to demand, as the price of entering into a negotiation, the evacuation of Spain by the French, would have been to do that, which it was the business of Spain to do; it would be to negotiate for her; to assume the tone and character of her protector; to exercise a right which had never, either in fact or in substance, been conveyed to us. Such a demand would also have given cause of complaint to other allies, whose territories had been also invaded, and successfully invaded. So that we stipulated for our new allies no more than we did for our ancient allies, to whom we had been bound by solemn and long existing treaties. The demand of the restoration of the lawful sovereign of Spain would also have been a question which more particularly belonged to Spain, to insist upon: it would likewise be to abandon that bold and liberal policy, in which the house and the public were last year agreed; namely, to leave Spain to herself, and not to interfere in her internal concerns. The demand, that had been made in reply to the first overtures, was the lowest, but at the same time the most efficacious that could have been made; that Spain might be admitted to the negociation, that she might have the opportunity of stating her own demands; that the negociation should not be conducted for her by us, but that she should be afforded an opportunity of pleading her own cause in the persons of her own plenipotentiaries before the assembled representatives of the powers of Europe. It had been stated in other places, that the proposal of this condition amounted to a demand of a preliminary concession from France. But so far from that being the fact, so far from concession having been demanded with respect to the legitimate sovereign of Spain, it was only required that the existing government, the government *de facto* in Spain, should be admitted to negociate, that the government that was in possession of the executive authority should be so admitted, described, too, as it described itself, as a party to the proposed negociation. This was the least that could have been done, and this we were bound to do, without any dictation towards Spain, which had ever been most studiously avoided by his majesty's government. Could any one be so little read in history, so little versed in the transactions of modern times, as not to know, for it was notorious, that in almost every instance, governments so situated had been admitted to participate in negociations, without any notion being entertained that such admission amounted to the smallest concession on either side? Who did not know, that in the last war, of which Spain was the theatre, the war of the Succession, in which Great Britain supported the archduke Charles, and France the duke of Anjou, that in that war there was no exclusion of the existing government from negociation, nor was the demand to admit that government to the negociation considered as amounting to any application for preliminary concession. If we looked farther back, to the war which separated the Low Countries from Spain, we should not find that during the whole of its continuance, the admission of the existing government as a party to negociation was ever considered concession, nor was any attempt ever made to exclude it from any negociation. It was in the year 1576, that the Low Countries first rose to resist the authority of the king of Spain, and the independence of the United Provinces had not been recognized formally till the peace of Munster in 1648. During the whole of that period, the existing government of the United Provinces had been admitted to negociate, without such admission having been considered a concession. In demanding, therefore, that the government *de facto* of Spain should be admitted a party to the negociation, we demanded the lowest possible condition of the enemy; at a later period this country might possibly contend for more; but, without meaning to under-rate the interests of Spain, he felt that no more could have been demanded in the first instance; and the moderation of the condition was sufficient to quiet all suspicion in the minds of mankind respecting the sincerity of our wish for peace. What concession, then, had been demanded of Buonaparté? Absolutely none. The admission to negociate alone was demanded for the Spanish government; but the admission to negociate would not decide the right, nor interfere with any disputed point, but simply open the way to immediate negociation and eventual decision. It had been said, that this demand would more properly have been introduced in the negociation, which might have been entered into upon the basis of the *uti possidetis.* But by whose right could Spain have been let into the negociation upon such a basis, if not allowed to be an original party to the negociation? Who possessed Spain, so as to let in the consideration of negociating upon such a basis? We had no right to treat for Spain upon such terms, because we had not the possession of Spain. Upon this principle he had felt it his duty to protest against such a principle of negociating for an independent nation, as if we had the possession of it in such an extent, as to authorise us to treat for it upon the basis of actual possession. He protested against the principle in the case of the king of Sicily in a former negociation, and he abjured it in every instance. If we had accepted the proffered basis without stipulating the admission of the Spanish government, it might have given to France a claim to the fortresses of Spain, which they had gained possession of by treachery, upon the same principle; and, perhaps, that was the object which the enemy had in view in the proposal of their delusive overtures. By demanding the admission of the Spanish government to the negociation, we had given France an opportunity of doing away all suspicion upon this head, if her views were not sinister. There were others who were of opinion that the acceptance of the first overtures was but a mere waste of time, and that, consequently, they ought to have been rejected at once. In this preliminary opinion he was not disposed to concur. He and his colleagues, though not sanguine that the result would end in peace, yet thought the trial worth making; and the circumstance of the emperor of Russia being joined in the application gave strength to any expectation that might be conceived of the possible restoration of the blessings of peace. They had hoped, that the emperor of Russia, from a consideration of the perfidy with which the French ruler had gained possession of the principal fortresses of Spain, and of the villainy with which he enticed the legitimate sovereign of that country, first beyond his frontier, and afterwards led him, with all the members of his house, into captivity; would have opened his eyes to his situation; would have anticipated the degree of forbearance he had to expect, when such atrocities had been committed against the best and most serviceable and most faithful ally and friend of France, the compliant, submissive and unreproaching power, which ever exhausted its own means, to promote the ambition and the interest of an ally. He had expected, that the emperor of Russia, from the comparatively little that he could do for France, contrasted with what had been done by Spain and the possessors of Spanish South America, could not look to any very exemplary forbearance, and that the time had at length arrived when he would endeavour to retrace the course, which he had pursued since his alliance with France. He was not quite sure, that, if the Erfurth meeting were again to take place, he would not again entertain the same sentiments, because he could not conceive, on an occasion like this, that sovereigns would cringingly submit to dig the pits for their own fall. His expectation was an homage to the spirit of a man, to the first causes of human action—the principle of self-preservation. They had, upon the presumption that the emperor of Russia felt as a man, thought that he would have been influenced by the feelings of human nature, and consequently, that he would not have become a party to the designs of Buonaparté. If they had acted otherwise, it would have been said of them, that they had aspersed his character, and thrown away all chance of peace. He confessed himself to be one of those who entertained a hope that peace might possibly be the result of an overture, to which Russia had been a party, especially as Russia had, on all accasions, particularly interested herself for the honour and security of Spain. If it was a question for making peace, she uniformly intreated that Spain might be made a party; if a question for making war, the request was, that Spain might be exempted from the calamities of the war. The recollection of these facts, and the conviction how much it must be the interest of Russia herself, to discountenance the ruinous projects of France, rendered it not surprising, that he should have entertained a strong impression of the sincerity of any overture for peace coming from such a quarter. Whatever was done at Erfurth, there could be no doubt but the situation of Spain, which at that time occupied the attention of all Europe, formed a very considerable part of the discussions. What, then, was the surprise of his majesty's government at seeing that subject studiously omitted in the overtures? They could not help supposing that Spain had been sacrificed by the emperor of Russia, and they considered it as their paramount duty to bring the matter immediately to a point, and to shew, that if any reliance was placed on the aid of Russia in the Spanish cause, it was a reliance on a broken reed. It was therefore necessary in their answer, as studiously to introduce the name of Spain, as it had been avoided in the overtures, and to adopt one of two ways, either to demand all for Spain, or only that it should be admitted, at the opening of negociations, to treat in its own behalf. They preferred the latter. What, then, was the answer returned by France, and her faithful follower Russia? It had been stated, that France and Russia had no alternative: but, from the nature of the answer from the British government they could only return a direct negative to the demand there made; but this was not true. France might have said, that as G. Britain and Spain were not in alliance, the government of Spain might be permitted to treat, reserving always the question of right to the sovereign of that country. By this means Buonaparté would preserve his dignity. Or he might have said, we will admit the *de facto* government of Spain to treat, provided you will at the same time admit of plenipotentiaries from my brother the *de jure* king. It was not now necessary to discuss what would have been the answer of government to this proposition; he merely mentioned it as the return which might have been made by Buonaparté instead of a direct negative. What then, as he had already said, was the answer returned by Buonaparté? Was it either of the two he had just specified? No! it was distinctly this; "In no shape shall the Spanish people be admitted to treat, because they are in a state of rebellion against me and the sovereign it is my will to impose upon them." Thus, then, it was Buonaparté, and not the British government, that had required recognition. The requisition was not contained in their demand, as a prelude to negociation; but in his answer. But the case did not rest here. If he had simply said, I will not admit the Spanish people through their existing government to treat, it would not have been so much, but the reason he immediately after assigned, put an end to the question. He affirms that Joseph Buonaparté is king, and in complying with his preliminary, we should not only have abandoned the interest, but destroyed the name of Spain; we must have admitted the description of the Spanish people as rebels, and sanctioned their punishment as traitors! To whom?—Joseph Buonaparté: thereby, while he scouted the proposal of the admission of the *de facto* government, tacitly commanding our recognition of his atrocious usurpation. Yet, if any further illustration of his principles were necessary it was to be found in the next paragraph, respecting the Roman Catholics of Ireland. He only mentioned this circumstance to reprobate it, and noticed the argument adduced by our enemy to show its falsity in deduction, though he was far from allowing it to be even founded in truth. He begged to be understood as not acknowledging that the Catholics in Ireland were rebels; but if there were rebels in that country, they were rebels to a king in complete possession of the country and perfect in all his rights of sovereignty. Yet they were compared to the universal Spanish nation in arms against the usurpation of Joseph Buonaparté, who neither had right to their throne nor possession of their monarchy. But to return to the argument of insisting on a preliminary demand, he had to repeat, that the British government had demanded nothing, they had merely resisted a demand. They had said, we will not, with a stroke of a pen dismiss a whole people to slavery, and acknowledge a tyrannous and usurping dynasty. It had also been said that the question in Spain was merely as to the rights of different kings, and that the matter between Charles IV. and Ferdinand VII. did not require our interference. He readily agreed to this, as we had no business with the question between these legal and legitimate sovereigns. It was the person whom the country unanimously preferred as their king, that we were bound to acknowledge. The only question was, which should have greater force, the edict of Buonaparté, or the almost unanimous declaration of Spain. The universal enthusiasm of the Spanish nation in favour of Ferdinand VII. had determined this country in its decision. It had, indeed, been said, and asserted by our enemies, that this universal enthusiasm was the result of arts practised by Great Britain. To say nothing of the absurdity of this assertion, which could only be supported by confounding all dates and times, it was scarcely requisite to point out the impossibility of stirring up numerous provinces at a distance from each other, and resembling so many distinct kingdoms, to rise at once and unanimously lift up their hands for liberty and independence. Fifty proclamations had almost simultaneously been issued from different points of the Spanish dominions. All the provinces of the monarchy, with the exception of only two or three, accorded in declaring Ferdinand VII. to be the object of their choice, love, loyalty and admiration. Would it be contended that it was our duty to point out to them a new person for a sovereign, calculated to renovate their kingdom, by implanting into it all the virtues of a new dynasty? He hoped the British nation would never adopt these principles of the Napoleon school, or those of the French revolution, which for 16 years had been the source of all the misery that had desolated the world. His majesty's government did not conceive it to be a duty imposed on them to point out to the people of Spain even such errors as the eye of philosophy might discover in the best formed constitutions. Great and glorious as was our own, they would consider themselves better employed in rectifying any errors that might have crept into its pure system than in pretending to judge for others. They were content to take Spain as they found it, and never wished to take an advantage of its misfortunes to modulate its government into experiment. They considered it in the view the Spanish people themselves took of it—they offered no counsel—they suggested no change—to ask for the admission of the *de facto* government was not therefore to force any thing on Spain, or to interfere at all in the continuance or termination of the war. If after the answer returned by France, ministers had receded from the cause of Spain, then, indeed, they would have deserved all those taunts, all those suspicions, and all those doubts which during the interchange of couriers between the countries were preparing for them. But to set the designs of Buonaparté in a still stronger point of view, he must recal to the recollection of gentlemen, that it was not in consequence of the Answer returned to the Erfurth overtures, that he formed his determination to subvert Spain. That determination was declared before the answer was received. The overtures reached this country on the evening of the 22d of October, and Buonaparté on the morning of the 25th of the same month, in his Speech or Message to his Legislative body, pledged himself to place the crown of Spain, by force, upon the head of his brother. If there were those who ever thought an opportunity for successful negociation had been missed, they might see from this whether or not any other line of conduct would not have been equally useless.—Another charge had been brought against government: it was said, that whenever Buonaparté had resolved on any measure, and declared that he would accomplish it, such a declaration should be received, as the fiat of a superior being, against which it was folly to oppose any kind of resistance! He never pledged himself to any thing but what he could carrry into execution! His resolves were insurmountable! His career not to be stopped! We were therefore to submit to dependence if he declared such to be his will and pleasure, and so far from daring to stand gloriously forth the champions of the continent, we were not even to think of defending ourselves against this irresistible leader! Such might be the opinion of some; but such was not his opinion, nor the opinion of the British people. Even were the ship in which we were embarked sinking, it was our duty to struggle against the boisterous elements. But he never could acknowledge that such was our state; we were riding proudly and nobly buoyant upon the waves. Of those who entertained such desponding, such unmanly sentiments, he was sure the number was very small.—In another, and certainly the least brilliant light in which we could consider the nature of our connection with Spain, namely, as far as our own interest was concerned, could any one of the few who looked at the subject in this selfish view, say that we ought to have abandoned the cause of Spain? There might be many opinions as to the mode in which assistance ought to have been rendered, but there was only one opinion on this point, that we ought not, in any case, to seem to apply it to our own particular interest. It had been spread by our enemies on the continent, that England stimulated the wars which had so long disturbed the repose of the world in pursuit of her own advantage, and to augment her maritime superiority, and that if she failed in the preservation of her allies, she was ever ready to share in their plunder. Care, then, was to be taken not to suffer the imputation of a blot of that kind in the war for Spain; and against such a suspicion ministers had most cautiously guarded the honour of their country. It certainly had been possible for us at the commencement of the Spanish war, to have remained neutral, and said to ourselves, we are glad to see discord springing up between France and her allies; but the voice and feeling of the British nation declared loudly and vehemently against such a course. When we had, then, gone into the more high and elevated line, we were bound to adhere to it with the more vigour and perseverance. If we had agreed to the terms proposed by Buonaparté, Spain would have been in a worse condition than when she first rose against his usurpation: deserted in the moment of her utmost need, and given up to the vengeance of an enraged and tyrannous conqueror, and to all the terrors of military execution. In these enlightened days the imposition of a foreign dynasty was not regarded with so much abhorrence, as it was considered what useful internal regulations the usurpers might introduce. Glad was he to think that so detestable a mode of reasoning was confined to only a few political speculators; the general sense and feeling of mankind revolted at the idea. There was an irresistible impulse which bound men to their native soil; which made them cherish their independence; which united them to their legitimate princes; and which fired them with enthusiastic indignation against the imposition of a foreign yoke. No benefit to be received from a conqueror could, in their mind, atone for the loss of national independence. Let us, then, do homage to the Spanish nation for their attachment to their native soil, an attachment which in its origin is divine; and do not let us taunt them with being a century behind us in civilization or in knowledge, or attached to prejudices in religion, in politics, or in arts, which we have happily surmounted.—In conclusion, he begged the house, in judging of the conduct pursued by his majesty's ministers, to lay aside every thing in their favour which might excite an interest in the heart, and to judge them in the matter of the negociation by the strictest rules, as if they had been treating with an unworthy ally and an undisguised enemy.—The right hon. secretary then moved an Address, thanking his majesty for the communication on this subject made to the house; pledging themselves to support him in the maintenance of the war; and approving of the line of conduct pursued by Ministers on the late occasion of the Overtures made by Russia and France from Erfurth, &c.

Mr. *Whitbread* said, he rose fully confident that he could reconcile the opinion which he felt it his duty on that night to state with the sentiments which on a similar occasion he had formerly delivered. He had listened with no less satisfaction than attention, to the speech of the right hon. secretary; a speech truly eloquent; but, what much more astonished him, replete with those axioms of political truth which, if they had been acted upon by that side of the house sixteen years ago, would have prevented the destruction of the balance of power, preserved the Bourbon family, and have sustained the greatness and prosperity of this country, now, from the operation of contrary principles, reduced, he feared, in some respects to a sinking state. He was ready to admit that, after the answer of the French government, negociation was out of the question; but the fault he had to find with the right hon. secretary was, that he had provoked that answer by his ill-placed taunts, and by a wanton and unjustifiable arrogance, in replying to a fair overture. It was an error too prevalent, and frequently fatal, with individuals in office, to assume, in their communications with a hostile power, every virtue to themselves, and to charge their opponents with every vice. But to hear such observations from the right hon. gent. opposite, he who, last year, scouted in that house those principles of morality and justice which it was once the pride and character of civilized nations to revere and perpetuate; to hear him who committed an act which exceeded the most atrocious occurrences in our history (the attack on Copenhagen), complain against France, that its usurpation of Spain was unparalleled, was, to say the least of it, not very consistent. Who could suppose last year, that he would have so speedily abjured his new morality, and have that night expressed his indignation at the unprincipled invasion of an independent neutral state, and the imprisonment of a friendly sovereign? The aggressions of human governments were not, unfortunately, either new or infrequent. Great Britain was not to suppose that Providence, in its wise dispensations, had confined justice within geographical limits. It was somewhat extraordinary, therefore, that the right hon. gent. should have presumed to call the conduct of Buonaparté towards Spain an "usurpation, which had no parallel in the history of the world." It really carried an air of ridicule along with it, to Buonaparté, not less, however, than did another assertion carry of insult to the Emperor of Russia. What must he have thought when the denunciations were perused by him against the violator of the Spanish throne; he, who must have remembered well how Catherine, called the Great, and Frederick, called the Great, and the Emperor of Austria, dismembered Poland, and dethroned the king? Why should we talk of atrocity? Why should we blasphemously call on our God; we, the ravagers of India, we, who in the very last session, voted the solemn thanks of the house to the despoilers of that unhappy, persecuted country. Oh! "When we say that we have no sin, we deceive ourselves, and the truth is not in us." Why did he dwell upon these points? He did so to impress upon the country and the house moderation and justice; to guard them against the infatuation of conceiving themselves superior to the accidents of adversity, and released from the influence of reciprocal duties. He begged of those infatuated with ideas of our own importance, to look how much we had sunk in the scale of nations from the rank we once held; not that he advised truckling to the enemy, but that we should pursue the same system of honour in the North and in the East we recommended to others, and not brand Buonaparté with unparalleled atrocities, as if we had forgot all history, and even that which had passed in our own days; as if we had forgot the atrocities which had been perpetrated by Spain in former times in the western world, and by ourselves so very lately, on Spain and on Denmark. He contended that there existed a contradiction between the king's speech and the reasoning employed by the right hon. secretary, when called upon to give up Spain. It was not true that Buonaparté required of us, in his first communication, the abandonment of Spain as a preliminary. For it was stated by him after he had received the communication from our government. The first communication which came from the enemy was, in his opinion, perfectly unexceptionable in its manner and style. He could not conceive any thing more respectful than the note of count Romanzoff. The right hon. gent. had before refused the offer of the mediation of Russia, on two grounds; first, he had required that a specified basis should be stated upon which the negociation was to be founded; and secondly, be positively refused to send another plenipotentiary to Paris. In the late overture, both those objections were removed; for count Romanzoff did propose as a specific basis, the *status quo*, or any other basis that ministers should prefer, and as to the place of negociation, it was left entirely to his majesty to send his plenipotentiaries to any town he should chuse on the continent of Europe, where the emperors of France and Russia also engaged to send their plenipotentiaries. The right hon. gent. had no right, then, to treat the emperor of Russia with that severity which he had done in his answer. If the emperor of Russia was in a degraded situation, the right hon. gent. should have considered what were the causes which had brought him to that state of degradation. It was to be traced to that fatal and disastrous coalition of 1805, which, by its ill concerted projects, prostrated the strength and resources of the continental powers. Did he forget the negociations at Tilsit, and the memorable transactions which followed in the north of Europe? Such events, in his opinion, accounted for the hostile feeling of Russia to Great Britain, and for its dependence on France. The right hon. gent. should have remembered that act of the present government against Denmark, which had given the most just and serious grounds of offence to Russia. The form of the communication which was now under consideration, was certainly not usual till very lately; but, surely, there was nothing disrespectful in the letter signed, "Alexander—Napoleon," nothing that called for the very pointed insult with which it had been met. There had been two instances before, when unfortunately, direct proposals of peace made by Buonaparté to the king, had been made in vain. Every body remembered, and almost every body now deeply regretted, the manner in which the first overture of that nature had been rejected. However highly he respected the noble lord (Grenville) who was then the secretary for foreign affairs, his opinion of that transaction remained the same now as it was at that time. Experience, and the evidence of facts, were then the burden of the song. Heavy, indeed, was the song, and he feared it was a knell which sounded the doom of the country. He could see nothing at all disrespectful in the letter of the two emperors. There was, indeed a sentence somewhat perplexed, one which the right hon. gent. appeared to have entirely misunderstood, respecting maritime commerce. This sentence, however, afforded no pretence to justify a studied insult to either of the emperors. The right hon. gent. was not bound to have gone out of his way to let the emperor Alexander know, that there would have been an answer to his letter, if his name had not been joined with that of Buonaparté, who had not been acknowledged as Emperor by this country. This country had, however, at the Treaty of Amiens, recognized him as Chief of the French nation, and First Consul; and the change of his title could not make any essential difference or objection to treating with him. Whenever we thought proper to negotiate with a man, who, from his great successes, as well as his power, had some right to be delicate about the point of honour, we ought not to begin by any thing like insult. He thought, indeed, that the right hon. gent. should be more careful in the composition of his State Papers, and that he should abstain altogether from indulging that sarcastic vein which so much amused his friends in that house, and which he conceived to be so successful in opposing his political antagonists. In his official note sent in answer to the letter of the two Emperors, the right hon. secretary, in his opinion, might, when speaking of the basis of the Uti Possidetis, have abstained from that parenthesis of its having been so much the subject of discussion formerly. In the note of the right hon. secretary, it was stated, that "the king had uniformly declared his readiness and desire to enter into negotiations for a general peace." It was certainly true, that this sentiment was often expressed in the language ministers thought proper to put into the mouth of his majesty; but he could have wished to have seen conduct corresponding to those professions; and in that case, he believed that the country would have had a secure peace a long time ago. He remembered, that upon the failure of two attempts to negotiate with republican France, it had been formerly stated in that house by a minister (lord Melville), that "the country had had a lucky escape from a peace." He firmly believed that there hardly ever was a time when the gentlemen on the other side of the house had any sincere wish for peace. He did not pretend to say that the overture of Erfurth could have been received in any manner that could immediately have led to peace; but still the negotiation might have been so managed as not to increase the hostility or rancour between the two governments.—As to the second paragraph in the note of the right hon. gent. that his majesty could "not be expected to see with unqualified regret, that the system devised for the destruction of the commerce of his subjects had recoiled upon its authors or its instruments," this was a sentiment which appeared to him altogether improper to put into the mouth of a benevolent king, nor was it a language fit for a Christian country to hold to the Christian world. It appeared to him to be indecorous and improper in every point of view. Why should the right hon. gent. say he rejoiced at commercial evils being retorted upon our enemies and their instruments, unless it could appear that our enemies were thereby humbled or weakened? If it was meant as a retort, the retort was unsupported. France was not humbled. Buonaparté was progressively advancing in his career to the subjugation of Europe; his power was by no means diminished; and so far from the insurrections which were predicted in the South of France, there did not appear to be either insurrection or murmur throughout the whole of his universal empire.—The next paragraph of this note, he contended was false from the beginning to the end: it stated, that "the war in which his majesty is engaged, was entered into by his majesty for the immediate object of national safety. It has been prolonged, only because no secure and honourable means of terminating it have hitherto been afforded by his enemies." This, Mr. Whitbread contended, was altogether false. The war had not been entered into for the immediate object of national safety. (Hear! hear! from ministers). He repeated it; that was not the cause of the war. He should now ask some of the right hon. gentlemen opposite, who had been parties to the making the Treaty of Amiens, and afterwards to the breaking that Treaty, whether the present war did not begin with a falsehood, which was put into the mouth of his majesty, in the celebrated royal Message of the 8th of March, 1803, which called upon this country to arm in consequence of great armaments in the ports of France and Holland. He should ask those gentlemen, was not that statement a falsehood? [No, no, from some members.] He thought it had been universally admitted now that that statement was untrue. Was it not well known that it was for Malta we went to war? [No, no, from some members.] At least, it was generally allowed, that if France had given up the point about Malta, there would have been no war. He disapproved, above all things, of false statements being inserted in state-papers; and he felt firmly convinced that if the overtures made to us in 1800, 1805, 1806, and 1808, had been met by a sincere desire for peace in this country, a secure peace might have been made and maintained. It appeared to him strange, that Spain should have been mentioned by us so pointedly to the enemy, and that Portugal and Sicily should not have been mentioned at all, and yet before the English landed in Portugal, the Portuguese had rescued a considerable part of their country from the enemy; and before the Prince Regent left Portugal he expressly renewed all the treaties with England, and appointed a Regency. It would appear, that the Regency of Portugal acting in his name was as necessary a party to this negotiation as Spain herself. He would allow, indeed, that it would be wasting too much time, to delay a negotiation until we could consult our Ally the King of Sweden. That Ally lived at too great a distance; and his alliance, for which we paid him 100,000*l.* per month, was of so little service to our cause, that many wished he would make his peace with his enemies.—As to Spain, he had already declared his opinion, that the engagements which his majesty had entered into with the people of that country, were such that their interests could not have been abandoned, nor was there a single Spaniard who would at that time have consented to any peace which had not secured the independence and integrity of Spain, and restored them their beloved king Ferdinand. The Spaniards were then animated by the glorious principle of resistance to any invader or usurper, be he who he might. They were not, however, insensible of the amelioration that was necessary in their country, or of the mischiefs which had been done by their former bad government. This was a subject which had been taken notice of in all the proclamations of the different Juntas. In his opinion, the mode in which the negotiation ought to have been managed on the part of this country was, that the independence of Spain should have been made the first condition of a peace, but that it should not have been insisted on as a preliminary. Buonaparté did not propose the abandonment of Spain as a preliminary; it was the right hon. gent. who made the admission of the Spanish nation as parties, a preliminary to all negociation. It was not till after his first communication had been answered in an insulting tone, that the French emperor used insulting expressions. He thought it was always wrong to use insulting language towards Buonaparté; for, after all, if ever we wished for peace, it was probably with this man that we must make it, and the price of peace would be at least for us to use something like decorous language to a power, which was perhaps the greatest that ever did exist on the face of the world. As to pledging ourselves to any point as a *sine qua non*, he could not avoid remembering how many of those *sine qua nons* the British government had been obliged to abandon since the first commencement of the war. He could not conceive that peace was so dangerous as some gentlemen supposed. Buonaparté had got almost the whole of Europe by war, and he did not see how he could have done more, or so much, in peace. The right hon. gent. in the Declaration of his majesty, stated the situation of the different powers in Europe, but appeared to forget how very small a part of Europe this country had any influence over. The right hon. gent. had done him the honour to allude more than once to those sentiments of his which he had thought proper to send forth to the public on this subject. What he then said, he still thought—he still was of opinion that that period was favourable to a negociation; that at a period when Buonaparté's hopes in Spain were so low; when Austria was vacillating, he did think that it was more probable that at that moment Buonaparté might, by such pressing contingencies, be tempted to admit a negociation, the preliminary of which was, the integrity of the Spanish dominions, than that he would listen to such a proposal now. He thought also, that another good opportunity occurred at the time of the flight of Buonaparté's brother from Spain. But even in the late overture, he contended, that as Buonaparté did not require of us to abandon Spain, we ought not to have called upon him, by way of preliminary, to abandon his designs upon it. It was indiscreet, too, to taunt him in the letter to Romanzoff with those designs, and it was wrong and unjust to throw upon him personally, for at least the last ten years, the odium of continuing the war; nor was it less unjust to conclude that letter with desiring him to do what we had already refused to do. Much had been said upon the declaration made by Buonaparté on the 25th of October to the French senate, when he professed his intention of setting out to crown his brother at Madrid. But we know not how certain circumstances relative to the reception of that proposition made by him, might have been conveyed to him, and how such a communication might have influenced him. As to the supposition made by the right hon. secretary, of Joseph, a King neither *de jure* nor *de facto*, sending his Envoys to plead, together with those of Ferdinand, their respective claims to the Crown of Spain, he thought it so ridiculous, (notwithstanding the high unknown authority who might have suggested it), that it scarcely needed a serious observation. He thought that the Note of the Emperor of Russia did not at all go to pledge him to secure Spain to France. He merely says, that he has acknowledged Joseph King of Spain; and in an after part it is said, that this difference need not preclude negociation. With respect to the last Note of the French Emperor, it was certainly unjustifiable; but however unjustifiable it was, it could not, he was sorry to say, be said to be unprovoked; language, arrogant and unconciliating, had brought down an answer in a correspondent tone. In alluding to this answer the right hon. gent. did not impute rebellion to the Catholics of Ireland. He was glad to hear him do that injured body justice. Let however that right hon. gent. and his colleagues learn, if they are yet to learn it, that Buonaparté knows where lies the weakness of the empire. The speeches of that right hon. gent. in that house would argue, that he was well inclined, if he could persuade his colleagues to go along with him, in giving security to the empire, by giving relief to the Catholics of Ireland. But it was a bad encouragement to that body to hear of the promotion to the Privy Council, of a man who had said that a Catholic and a Rebel were synonimous terms. Were these gentlemen to say to Ireland, Go, fight the cause of Spain and of Europe; and after advancing the glory of their country, by their gallantry and conduct—after having thanked them for their intrepidity and valour, displayed at Vimiera and at Corunna, were we to tell them that they deserved every thing at our hands, and that we would give them every thing—but toleration? He besought the house that they would think it worth while to pay more consideration to this most serious subject; and he earnestly hoped that no time would be lost in giving that numerous and deserving body that relief they were entitled to, upon every ground of justice and desert. He hoped that before the present session terminated, one vote of that house would at length do Ireland justice, and deprive the common enemy for ever of every pretence for misrepresentation, with which her privations might have furnished him.—The Address of the right hon. gent. went to applaud ministers for their mode of bringing the late Overtures to a conclusion. He could not approve of that conduct. He thought it reprehensible. He knew he was in a small minority, both in that house and the country: it was for that reason, more especially, his duty to state the grounds upon which he felt himself justified in differing from so many. He, therefore, again lamented that the offer for negotiation was so abruptly put an end to. For what could be the use of commencing a negociation in terms of sarcastic recrimination, unless it was with a view to put a stop to it as soon as possible; and even in breaking with France, it was better to break with her in a spirit of as little acrimony as possible; for, let gentlemen say what they would, we must ultimately treat with France—"To this complexion we must come at last." He repeated it, we must finally treat with France. The conduct of this country in rejecting so often, on good terms, what it must finally take on inferior terms, brought to his mind the memorable incident recorded in antient history, when, in the earliest age of Rome, the Sybil came with her nine books, and proffered them for a price which was refused. She afterwards tendered six of the nine for the same price, which, being refused also, it was at last thought advisable to purchase the three remaining volumes at the price for which the first nine had been originally tendered. He hoped this story would be no illustration of our future destinies. France had accused us of selfishness: he feared with too much justice. We had entered into the war originally for Holland; had forsaken her, and benefited ourselves in the sharing of her spoil. It would not be easy to say, when we might calculate upon even as good terms as in the late overture we had been offered. We knew not what the next news from Portugal might bring us; perhaps, before this, Portugal was re-conquered. The bubble with respect to the re-capture of Madrid by the Spaniards had already burst. Buonaparté was hastening to fulfil all his prophecies; if he had not already crowned his brother at Madrid; he yet had the power of crowning him: he had certainly—however gloriously for the British arms—he had yet, in effect, obliged us to evacuate Spain, and, perhaps, was now on his way to plant his eagles on the towers of Lisbon. With respect to Spain, he confessed the hopes he once had were nearly gone, and that the various reports from different quarters, from some, of the want of wisdom on the part of the government, from others, of the want of energy on the part of the people of that country, that such reports were not calculated to revive them. Whether it was want of enthusiasm in the original, as some said, or, as others more plausibly said, that that enthusiasm had subsided, he had not very sanguine hopes of the success of Spain.—The hon. gent. then concluded with moving the following Amendment:

"That an humble Address be presented to his majesty, to acquaint his majesty that this house has taken into its most serious consideration the Papers which have by his majesty's most gracious commands been laid on the table of this house, relative to the overture made to his majesty for entering into Negociation by the powers of Russia and France.—To assure his majesty we would have witnessed with the deepest regret any inclination on the part of his majesty, to consent to the abandonment of the cause of Spain. At the same time to acquaint his majesty, that upon a review of the letter addressed to his majesty, the communications originally made to his majesty's principal secretary of state for foreign affairs by the accredited ministers of the governments of Russia and France, it does not appear to this house that any such disgraceful concession on the part of his majesty was so required by the other belligerent powers as a preliminary to Negociation.—To state to his majesty, that the stipulation insisted upon in the Official Note, transmitted to Paris by his majesty's principal secretary of state for foreign affairs, as an indispensible preliminary to any Negociation, viz. That the government of Spain acting in the name of Ferdinand VII. should be admitted as a party, was unwise and impolitic, unnecessary to the maintenance of the great cause of Spanish independence, and obviously calculated to prevent all further intercourse on the subject of Peace.—Humbly to represent to his majesty, that it appears to this house, that an overture made in terms respectful to his majesty ought to have been answered in language more moderate and conciliatory, and that immediate and decisive steps ought to have been taken for entering into Negociation on the basis proposed in that Overture; whereby alone it could have been discovered, whether there did or did not exist a possibility of effecting, through the means of Negociation (combined with the unremitted and powerful assistance which his majesty was enabled to give to the Spanish nation,) the rescue of Spain and Portugal from the usurpation of France, and whether Peace was indeed utterly unattainable.—Humbly to request his majesty, that he will be graciously pleased to avail himself of any opportunity which may offer of acceding to, or commencing, a Negociation for the restoration of the blessings of Peace, on such terms as the circumstances of the war in which we are engaged may render compatible with the true interests of the empire, and the honour of his majesty's crown."

Mr. *Ponsonby*, in a few words, opposed the amendment of his hon. friend: the unfeigned respect he bore his hon. friend, called upon him to state his reasons for differing from him, as he did almost wholly upon the present question. The question, in his opinion, could be reduced to a much narrower compass than his hon. friend seemed to think—it did not go into the wide detail of foreign relations; the question for the house was, whether on the papers now before them, it appeared that his majesty's ministers acted right or wrong, when the overture for peace was first made by the government of France? Was it, or was it not, a proper course for ministers to demand a quick explanation with respect to the admission of Spain as a party to the Treaty? He thought it was. He again differed from his hon. friend, as to the stress laid by him on the probable consequence of the high tone in which the overtures had been answered. He did not believe any tone, however moderate, would have had the least effect on this negotiation; not that he approved of the tone used by the right hon. gentleman, far from it, he thought the language and stile adopted by the right hon. gent., more like what one political adversary would use to another in that house, than what became the gravity of diplomatic correspondence for a negotiation that was to restore peace to the world. He was inclined to think that in point of time, the crisis was most unfavourable to negotiation, for Buonaparté, on the 25th of October, had declared that it was not for the interests of France that any of the Bourbon interest should reign in Spain, and that it was safer for France that the same dynasty should reign in both countries. His senate, in their answer, said, that his views were wise, and that the war with Spain was politic, just, and necessary. After this pledge of the Emperor's, after the answer of the senate, and after the vote of 160,000 men, with which that answer was followed up, it could not be supposed that any moderate tone of negotiation could have induced the Emperor of France to abandon his views on Spain, the cause of which country, it has since been evident, could have been decided by the sword alone. Besides, he did think that by not demanding that Spain in the first instance should be admitted as a party, we should have abandoned her in the face of the world. With respect to Spain, there was no man in that house less committed than he was. A noble lord had charged him with throwing cold water upon the enthusiasm of the Spanish cause; if, however, that noble lord (Castlereagh) had been less enthusiastic upon that subject (though certainly enthusiasm was not his constitutional vice), perhaps our affairs would not be so circumstanced as they then were.

Mr. *Croker* said, he was astonished to hear the expressions which had been used by the hon. gent. opposite. If he had found out irregularities in any proceedings of this country, which was not impossible, he believed the hon. gent. would find it difficult in the annals of the British legislature to find a parallel to his own speech. As to the allusions made by that hon. gent. to the case of the Sybilline books, he contended, that the hon. gent.'s own conduct would have been more aptly illustrated by that allusion. Thrice had the hon. gent. brought this proposition before the house, and in each succeeding time found himself in a smaller minority. The hon. gent. had even owned that on the present occasion he expected to find himself in a minority. As to the allusion made by the French minister to the Catholics of Ireland, he considered it a foul and impotent calumny, and said that it obviously meant nothing further than merely to exasperate one party against another. The Catholics of Ireland had, he understood, lately been in the habit of denying what their friends in that house advanced in their behalf. (A cry of No, no!) He had heard so; but if it were otherwise, he hoped they would consider the hon. gent. as their advocate. He was sure, at all events, that it was a foul and scandalous calumny of Buonaparté, and he hoped no gentleman in the house would take it up, for the sake of building an argument upon it in favour of Catholic Emancipation.

General *Mathew* esteemed the right hon. gent. (Mr. Canning,) the only man of any political integrity amongst the present ministers. The hon. general said, he was not afraid of the cry of Jacobinism, however much it might be the system of certain gentlemen on the other side, to hold it out as an object of terror. The noble lord opposite, whom he had the honour to call his countryman, and also the hon. gent. who had spoken last, knew practically in the year 1798 and 1799, in what Jacobinism consisted. He defied any man to say that the Catholics of Ireland were rebels. The person who should presume to say so did not deserve to live, but to die by the hands of the common executioner. He asserted that it was false, and that no communication, good, bad, or indifferent, had taken place between them and the French since the year 1796, when Arthur O'Connor met with Hoche on the borders of Switzerland. The right hon. gent. talked of atrocities: never had more atrocities been committed by the most desperate despot than by the British government. Of all despots the British government had been the worst. How they dealt with kings whom they wished to dethrone, his honourable friend (sir A. Wellesley) could inform them. In the East they did not imprison kings—they murdered them. He saw a gentleman in the house who was Secretary of State in Ireland in the year 1798. He could tell the house what was then the situation of Ireland.

Here the *Speaker* called the honourable member to order. This was not the line of conduct to be pursued in a question of the kind now before the house.

General *Mathew* said, other members had introduced Ireland, and the Catholics of Ireland were alluded to in the Papers before the house. He would tell earl Camden, if there ever was tyranny in any country, it was in Ireland under the administration of that noble lord.

The *Speaker* again called the hon. member to order.

General *Mathew* said, then he must give up the year 1798, the scalping, and all the rest.—Being again called to order, he observed, that the best thing he could do was to sit down.

Sir *F. Burdett* said, that having a different view of the present question from any of the gentlemen who had this night delivered their opinions, and not having previously attended any of the debates connected with the cause of the Spanish people, nor expressed what were his notions on that subject, he could not allow the question to go to a vote without shortly delivering his sentiments on the occasion. On addresses proposed to be voted to his majesty, he understood it to be as a matter of right in any member to enter into a discussion of the general interests of the country. It might be disagreeable to the ears of Englishmen to hear the perilous situation of their country described, to have enumerated a train of occurrences more calamitous and improvident, probably, than had ever disgraced any nation on the face of the globe; but still, had he not been instructed by the superior judgment of the Speaker, he should have been of opinion that the honourable member who spoke last, had he not waved the right, was entitled to have proceeded, and might fairly have introduced any parallel instances of atrocity, when told, on the other side, that the act of the emperor of the French, by which this country was precluded from listening to his overtures for peace, was an instance of the most unparaleled atrocity which had ever disgraced any country. He felt no pleasure in recalling to the recollection of the house the calamities and burdens under which the people of this country groaned. He did not wish them to look back to what was past, but with the recollection of past occurrences in their minds to look forward to what yet remained, and to consider well that a continuance in similar courses might ultimately prove fatal to this land. Whatever were the merits of Buonaparté, which unquestionably would not be fairly discussed in that house, it would, at least, be allowed, that he knew the best means of accomplishing the objects he had in view. Having, then, received from him a taunt as to an unprotected part of our dominions, let us take the hint, and by an act of our own render a repetition of the taunt unnecessary. It had been said, that beat a fool in a mortar with a pestle, he would never quit his folly; we had been beat in a mortar for many years, but what had we got but disgrace? If we were to assist the Spaniards, it was the duty of ministers to see that there was a rational hope of attaining our end. In his opinion there was not any such rational expectation.—The absurdity of acting on the divine right of kings had been the misfortune of this reign. In support of it we had made an unavailing waste of blood and treasure, but we had never yet embarked in any legitimate object. We were now smarting under the effects of war with America, and the burdens with which we were loaded by the corrupt ministers of those days. It suited the right hon. gent. (Mr. Canning) to-night to say, that the internal government of a country should not be interfered with. How did this doctrine accord with the idea of the contest in which, for the last 15 years, we had been engaged with the French, simply because they chose to alter their internal form of government? Instead of a monument to the memory of the minister who involved us in such a war, he deserved to have lost his head on the scaffold. In addition to the other losses our armies in Spain had sustained, he thought the life of the gallant officer who commanded the expedition to have been too dearly sold for Ferdinand VII. If he was rightly informed, there were bulletins in town, in which, notwithstanding the acrimony of the French ruler, he does ample justice to the bravery of our army and its gallant commander. He could not believe that men who, like our present ministers, could see no merit in an enemy, were fit to rule over a generous people. He begged, however, to disclaim the idea of being the advocate of Buonaparté.—As to the general state of the war in Spain, unless ministers proceeded on the fact of the known enthusiasm of the country; if they presumed to take that information on light grounds, they had been guilty of a crime of the deepest magnitude, being a course calculated above all others to produce the greatest calamities. In addition to accurate information on this subject, they should have been able to see that there would be 300,000 men in arms; that all the passes were secured; and that they would be able to fight with every advantage, not subject to the want of food, and that they would only have to fall, if they did fall, in the field of glory. If these things could not be ensured, then their duty was not to have landed a single man, but to have supplied the Spaniards with arms and other necessaries, which might have produced a prolongation of the war. These were the only two rational plans of proceeding; instead of which ministers had contented themselves with sending only such a body of men as was sufficient to prevent disgrace to our arms, which the valour of our army could itself effect, but not enough to save the nation from an aching heart. They presumed, too, to trust the British character and honour on the rotten plank of the Spanish government, not excepting even the Inquisition. They had no right to do so; there was no necessity for doing it. With respect to sending money to the Spaniards, it would have well become ministers, before they called for a supply from the exhausted pockets of the people, to have restored the millions of which Spain had been some years ago unjustly pillaged by the government of this country, and which had gone to his majesty under the name of Droits of the Admiralty. This would only have been a restitution of their own property, and while it aided the Spaniards, would have cleared the character of this country, and confirmed our former assertion, that we had seized on their money principally to prevent its going into the hands of Buonaparté. He confessed he should prefer to the amendment now proposed, an address to his majesty, requesting that he would order an inquiry into the grievances of which the public had to complain, and that, as an earnest of the reformation of abuses, he would dismiss his present ministers from his presence and councils. The house was called on for an Address of Thanks. He, for one, had no thanks to bestow; kings were too much exposed to have adulation poured into their ear. It was the cause of the overthrow of too many of the thrones of Europe. We had not heard that any of the kings who had of late years fallen under the dominion of Buonaparté, were in want of courtiers. It was fit that the king of England should occasionally hear the truth from his commons, and no better opportunity than the present could possibly present itself. The secretary of state had objected to the idea of this being a sinking country. He (Mr. Canning) might be rising, but the country was sinking. He (sir Francis Burdett) was of that opinion, and there was too much ground to believe it would sink still lower, if a Reform did not speedily take place.

Mr. *Beresford* denied that his majesty had drawn the sword to support the tyranny of the Inquisition, or any other tyranny; but on the contrary declared, that it had been drawn for the purpose of defeating the most atrocious of all possible tyrannies. He did not believe that there was a man in the house who would vote with the hon. gent. on the grounds stated by the hon. baronet who had just spoken. With respect to the negociation, had not government acted as they did, they would have been considered as abandoning the cause of Spain. For his part, he was satisfied that the only danger to which England could be exposed would be peace with France.

Lord *Porchester*, while he agreed with his hon. friend (Mr. Whitbread) in many observations, deprecated the idea of this being a sinking country, or that there was any necessity of shewing an anxiety to enter into negociation for peace.

Lord *H. Petty* was satisfied that no peace was to have been expected from the Overtures at Erfurth, but on the abandonment of Spain; and that it was by arms, and not by negociation, that the fate of Spain was to be decided. Our character with Spain was still to be gained, and if we wished to inspire her with a belief that we meant to make an exertion in her favour, our conduct should have been in unison with our declaration, and not calculated to raise any doubt in the minds of the Spanish people as to our sincerity, or that we meant to bring the cause of Spain into our market.—With regard to the observations so eloquently urged by the hon. baronet (sir F. Burdett), as to the propriety of taking part in the cause of Spain, whether that was right or wrong, we had already made our election; our part was chosen, and an abandonment of it would have been alike detrimental to our honour and our interest. His lordship deprecated the tone of insult in which the answer of the right hon. secretary was conceived; but at the same time he did not see any mode by which the intentions of the French emperor could have been altered. If the last words of the Address were meant to convey that we hoped the contest was to be persevered in, though in a manner very different from that in which it had been hitherto conducted, he agreed in it. If the object, on the other hand, was to imply an approbation of what was already done, he must protest against any such meaning being put upon it. He did not think this a sinking country, but he was satisfied that nothing had been omitted by ministers to render it so.

Mr. Secretary *Canning* animadverted upon the inconsistent grounds upon which the gentlemen who opposed his motion justified their opposition, and upon the equally inconsistent grounds of sense of those who agreed with him. But with regard to the noble lord who had just sat down, he could not help expressing his astonishment and regret to hear the unqualified manner in which that noble lord had thought proper to approve of the opinions delivered by the hon. baronet behind him (sir F. Burdett.) To the talents of that hon. bart. and to his sincerity also, no man was more willing to do justice than he was; but, without meaning any thing personally disrespectful to that hon. baronet, he must observe, that he was grieved to hear the noble lord, who was naturally to be ranked among the great men of this country—who was to be looked to as one of its probable governors—declare such an entire concurrence in those sentiments of the hon. bart. which appeared so dangerous in their nature and character. If the evils which the hon. baronet deplored were so grievous, why did he not bring them forward in some distinct and tangible form, and not fasten a general declamation upon a question of this nature? Why not propose some practical remedy for the grievances he complained of—such a remedy as any minister could apply—and not continue to repeat his doctrine, that the whole frame of the government was not worth preserving (a loud cry of 'No, no!—Misrepresentation!' from the Opposition Benches.) The right hon. gentleman vindicated the Replies given to the Notes of both the Russian and French ministers, and contended that there was no just ground for the desponding language which was used with regard to Spain. On the contrary, the hope he entertained and acted upon at the outset, he still continued to cherish—that if Spain were true to itself it could not fail to triumph.

Lord *H. Petty* thought it a very singular proof of unqualified approbation, with regard to the sentiments of the hon. baronet behind him, that he was about to vote against him. At the same time he could not hesitate to repeat, that in the principal part of the sentiments which the house had this night heard from the hon. baronet, and which were delivered with an eloquence such as could not be soon forgotten, he cordially concurred; and he would add, that there was no man in whose sentiments he would be more happy to feel it consistent with his opinion to concur, than those of the hon. baronet.

Sir *F. Burdett* deprecated the promulgation of an opinion under the sanction of the right hon. secretary's authority, that he had uttered any sentiments injurious to the interests of the country. He appealed to the house whether such an imputation was applicable? Whether the course he pursued this night, as he had uniformly done, in reprobating the abuses that prevailed in the administration of government, could be fairly deemed inconsistent with the profound veneration which he felt for the genuine constitution of this country?

Mr. Sec. *Canning* said, that his allusion to the hon. baronet's speech referred to the phrase of " absurdly contending for loyalty."

Sir *F. Burdett* explained his meaning, that the argument respecting loyalty in Spain was pushed to an extremity inconsistent with the freedom of any nation, and particularly with the constitution of this land.

The question was then put upon the Address moved by Mr. Secretary Canning, and carried without a division.

[DISTILLATION OF SPIRITS FROM CORN.] The *Chancellor of the Exchequer,* after observing that the Act prohibiting Distillation from Grain would expire within six weeks from the commencement of the present session, expressed a hope that there would be no objection to his moving, even at that late hour, for leave to bring in a Bill to continue the said Act, as frequent opportunities would occur in its progress for fully discussing its merits. He thought it necessary, however, in the first instance, to state that there was a material difference between the Bill he proposed to introduce, and the Act of the last session. The distillation from sugar had gone on in this country under the provisions of the last Act, and the spirit it produced was found to be quite satisfactory; but in Ireland there had been no distillation whatever from sugar; on the contrary, the distillation from grain had been illicitly carried on, and the consumption of that article, which it was the object of the Act to prevent, had exceeded the ordinary amount of former years: from this experience, combined with the circumstance of an abundant harvest of potatoes in Ireland, it was deemed advisable to alter the Act with respect to that country, by removing the prohibition, accompanied however with this provision, that in the event of an enhanced price of grain in

G. Britain, that prohibition should be renewed at the discretion of his Majesty. At present he should only move for leave to bring in a Bill for continuing the act of last session until 40 days after the commencement of the next sessions, leaving it at the discretion of the Crown to suspend the Act at any time, if circumstances should appear to render it expedient.

The House then resolved into a Committee upon the Act of last Session. To a question from Mr. Barham, the Chancellor replied, that it was his intention to bring in two Bills with regard to the objects described in his speech.

On the house resuming, leave was given to bring in a Bill to prohibit the Distillation of Spirits from Corn or Grain in Great Britain, and to suspend the importation of British or Irish made Spirits into Great Britain, or Ireland respectively, for a time to be limited.

HOUSE OF COMMONS.

Wednesday, February 1.

[Papers relating to America.] Mr. Secretary Canning presented to the house, pursuant to their Address to his Majesty, the following

PAPERS,

Relating to the Correspondence with America, on certain Orders in Council.

No. I.—*Letter from Mr. Secretary Canning to Mr. Pinkney; dated Feb.* 22, 1808.

I have already had the honour of assuring you in conversation, of the disposition which is felt by the British government to give due weight to the observations which you have made to me, respecting the unfavourable impressions likely, in your opinion, to be excited in the United States, by the duty proposed to be levied upon cotton destined for the use of the enemy, but brought into the ports of this country conformably to the tenor of the Orders of Council of the 11th Nov. last.—You are already apprized, that the principle upon which the whole of this measure has been framed, is that of refusing to the enemy those advantages of commerce which he has forbidden to this country. The simple method of enforcing this system of retaliation would have been, to follow the example of the enemy, by prohibiting altogether all commercial intercourse between him and other states.—It was from consideration of indulgence to neutral trade, that the more mitigated measure of permitting intercourse under the restraints and regulations of a duty *in transitu* was adopted; and being adopted with this view, it was not immediately felt by the British government, that there might be a distinction taken by neutral states, with respect to articles the produce of their own soil; and that, while the commutation of prohibition into duty was acknowledged as an indulgence when applied to articles of foreign commerce, of which they were only the carriers, it might be considered as an invidious imposition when applied to their own productions. The moment that this distinction had been explained to the British government, they have been desirous of manifesting every attention to it; and if you, sir, had been possessed of the necessary authority from your government, there would have been no difficulty in entering into a specific agreement with you upon the subject. In order, however, to obviate this objection in a great degree, I have the honour to inform you, that it is intended to be proposed to parliament, that all cotton brought into this country, in conformity to the Orders of Council, should be absolutely prohibited from being exported to the territories of the enemy. But as you are not prepared to take upon yourself to say, that in no case the option would be acceptable, an option will still be left to the neutral owner, either to acquiesce in the total prohibition, or to re-export the article on the payment of such a duty as parliament may judge it expedient to impose.—I flatter myself, sir, that this alteration in the legislative regulations, by which the Orders of Council are intended to be carried into execution, will be considered by you as a satisfactory evidence of the disposition of his majesty's government to consult the feelings, as well as the interests, of the United States, in any manner which may not impair the effect of that measure of commercial restriction, to which the necessity of repelling the injustice of his enemies has obliged his majesty reluctantly to have recourse. I have the honour to be, &c. (Signed) George Canning.

No. II.—*Note from Mr. Pinkney to Mr. Secretary Canning; dated Feb.* 23, 1808.

Mr. Pinkney presents his compliments to his excellency Mr. Canning, and has the honour to acknowledge the receipt of his Note of yesterday, relative to an alteration on the subject of cotton in the legislative regulations, by which the late Orders in Council are intended to be carried into execution, which Mr. Pinkney will hasten to transmit to his government. Mr. Pinkney requests Mr. Canning to accept. &c.

No. III. *Letter from Mr. Erskine to James Madison, esq.; dated Washington, Feb. 23d,* 1808.

Sir, I have herewith the honour to transmit to you the copies of certain Orders of Council which his Majesty has thought proper to issue, in consequence of the hostile conduct of France towards the navigation and commerce of Great Britain and of neutral states.—His majesty has been induced hitherto to forbear recurring to measures of this nature, by the expectation that the governments of the neutral states, who have been the objects of the French Decrees, would have been awakened to a just sense of what they owe to their interests and to their own rights, and would have interposed with effect either to prevent the execution of the French Decrees, or to procure their abrogation.—But his majesty having been disappointed in this just expectation, and perceiving that the neutral nations, so far from opposing any effectual resistance, have submitted to whatever regulations France may have prescribed for giving effect to her Decrees, can no longer refrain from having recourse to such measures as, by retorting on the enemy the inconveniences and evils produced by his injustice and violence, may afford the only remaining chance of putting an end to a system, the perseverance in which is not more injurious to his majesty's dominions than to nations not parties to the war between G. Britain and France.—The principle upon which his majesty finds himself compelled to proceed would justify a complete and unqualified retaliation, on his part, of the system announced and acted upon by France in respect to his majesty's dominions; and his majesty might therefore have declared in a state of rigorous and unmitigated blockade all the coasts and colonies of France and her allies. Such a measure, the maritime power of G. Britain would have enabled his majesty to enforce. Nor would those nations which have acquiesced, without effectual remonstrance, in the French Decree of Blockade, have derived any right from the more perfect execution of a corresponding determination, on the part of his majesty, to complain of his majesty's enforcing that measure, which the enemy has executed imperfectly only from want of the means of execution.—His majesty, actuated, however, by the same sentiments of moderation by which his majesty's conduct has been uniformly governed, has been desirous of alleviating, as much as possible, the inconveniences necessarily brought upon neutral nations by a state of things so unfavourable to the commercial intercourse of the world; and has therefore anxiously considered what modifications it would be practicable to apply to the principle upon which he is compelled to act, which would not, at the same time that they might afford relief from the pressure of that principle upon neutral or friendly nations, impede or enfeeble its operation upon the enemy.—In pursuance of this desire, the Order in Council, which, if it had ended with the sixth paragraph, would have been no more than a strict and justifiable retaliation for the French Decree of November 1806, proceeds, as you will observe, sir, to provide many material exceptions, which are calculated to qualify the operation of the Order upon neutral nations in general, but which must be considered most peculiarly favourable to the particular interest of the United States.—It will not escape you, sir, that by this Order in Council, thus modified and regulated, the direct intercourse of the United States with the colonies of the enemy is unrestrained; an indulgence which, when it is considered to be (as it really is) not only a mitigation of that principle of just reprisal upon which the order itself is framed, but a deviation, in favour of the United States, from that ancient and established principle of maritime law, by which the intercourse with the colonies of an enemy, in time of war, is limited to the extent which that enemy was accustomed in time of peace to prescribe for it, and which, by reference to the conduct of France in time of peace, would amount to a complete interdiction, cannot fail to afford to the American government a proof of the amicable disposition of his majesty towards the United States.—You will observe also, sir, that the transportation of the colonial produce of the enemy from the United States to Europe, instead of being altogether prohibited (which would have been the natural retaliation for the rigorous and universal prohibition of British produce and manufactures by France) is freely permitted to the ports of G. Britain, with the power of subsequently re-exporting it to any part of Europe under certain regulations. The object of these regulations will be, the establishment of such a protecting duty as shall prevent the enemy from obtaining the produce of his own colonies at a cheaper rate than that of the colonies of G. Britain. In this duty it is evident that America is no otherwise concerned than as being to make an advance to that amount, for which it is in her own power amply to indemnify herself at the expence of the foreign consumer.—Another most important relaxation of the principles upon which his majesty's Orders proceed, is that which licenses the importation of all flour and meal, and all grain, tobacco and other articles, the produce of the soil of America, with the exception of cotton, through the ports of his majesty's dominions into those of his enemies, without the payment of any duty on the transit. This, sir, is, I beg leave to observe, an instance in which his majesty has deprived this measure of its most efficacious and hurtful operation against the enemy, through motives of consideration for the interests of America.—The reason why his majesty could not feel himself at liberty, consistent with what was necessary for the execution of his purpose in any tolerable degree, to allow this relaxation to apply to cotton, is to be found in the great extent to which France has pushed the manufacture of that article, and the consequent embarrassment upon her trade, which a heavy impost upon cotton, as it passes through Great Britain to France, must necessarily produce.—I cannot refrain from calling the attention of the government of the United States to the contrast between the different modes in which his majesty's Orders and those of France are carried into execution. By his majesty's, the utmost consideration is manifested for the interests of those nations, whose commerce he is reluctantly compelled to impede, and ample time allowed for their becoming acquainted with the new regulations, and conforming to them; whereas France, without any previous notice, and without any interval, applies her Orders to trade already entered upon in ignorance of any such Orders, and subjects to condemnation ships, whose voyages, when commenced, were in strict conformity to all the regulations at that time promulgated by France.—Even with these, and other modifications, his majesty is not unaware that a measure, extorted from him by the injustice of the enemy, must inevitably produce inconveniences to the neutral parties who are affected by its operation.—The right of his majesty to resort to retaliation cannot be questioned. The sufferings occasioned to neutral parties are incidental, and not of his majesty's seeking.—In the exercise of this undoubted right, his majesty has studiously endeavoured to avoid aggravating, unnecessarily, the inconveniences suffered by the neutral.—And I am commanded by his majesty especially to represent to the government of the United States, the earnest desire of his majesty to see the commerce of the world restored once more to that freedom, which is necessary for its prosperity; and his readiness to abandon the system, which has been forced upon him, whenever the enemy shall retract the principles which have rendered it necessary.—But his majesty entertains the conviction, upon which alone his present measures were founded, that it would be vain to hope for such a retraction until the enemy shall himself have been made to feel a portion of the evils which he has endeavoured to inflict upon others. I am, with great respect, &c. D. M. Erskine.

No. IV.—*Letter from Mr. Madison to the hon. D. M. Erskine; dated Department of State, 25th March* 1808.

Sir; Having laid before the President your Letter of 23d of Feb. explaining the character of certain British Orders of Council, issued in November last, I proceed to communicate the observations and representations which will manifest to your government the sentiments of the President on so deep a violation of the Commerce and rights of the U. States.—These Orders interdict to neutral nations, or rather to the United States, now the only commercial nation in a state of neutrality, all commerce with the enemies of Great Britain, now nearly the whole commercial world, with certain exceptions only, and under certain regulations, but too evidently fashioned to the commercial, the manufacturing and the fiscal, policy of G. Britain, and on that account the more derogatory from the honour and independence of neutral nations.—The Orders are the more calculated to excite surprise in the U. States, as they have disregarded the remonstrances conveyed in my Letters of March 20th and 29th 1807, against another Order of Council, issued on a similar plea, in the month of Jan. 1807. To those just remonstrances, no answer was indeed ever given, whilst the Order has been continued in its pernicious operation against the lawful commerce of the U. States; and we now find added to it others constituting still more ruinous depredations, without even the addition of any new pretext; and when, moreover, it is notorious, that the Order of January was of a nature greatly to overbalance in its effects any injuries to G. Britain that could be apprehended from the illegal operation of the French Decree, on which the Order was to retaliate, had that Decree, in its illegal operations, been actually applied to the U. States, and been acquiesced in by them.—The last Orders, like that of January, proceed on the most unsubstantial foundation. They assume for fact an acquiescence of the U. States in an unlawful application to them of the French Decree; and they assume for a principle, that the right of retaliation accruing to one belligerent against a neutral, through whom an injury is done by another belligerent, is not to have for its measure that of the injury received, but may be exercised in any extent, and under any modifications, which may suit the pleasure or policy of the complaining party.—The fact, sir, is unequivocally disowned. It is not true that the U. States have acquiesced in an illegal operation of the French Decree. Nor is it even true that, at the date of the British Orders of Nov. 11th, a single application of that Decree to the commerce of the United States on the high seas, can be presumed to have been known to the British government.—The French Decree in question has two distinct aspects; one clearly importing an intended operation within the territorial limits, as a local law; the other apparently importing an intended operation on the high seas.——Under the first aspect, the Decree, however otherwise objectionable, cannot be said to have violated the neutrality of the United States. If the governing powers on the continent of Europe choose to exclude from their ports British property or British productions, or neutral vessels proceeding from British ports, it is an act of sovereignty which the U. States have no right to controvert. The same sovereignty is exercised by Great Britain at all times, in peace as well as in war, towards her friends as her enemies. Her statute-book presents a thousand illustrations.—It is only, therefore, under the other aspect of the Decree, that it can have violated neutral rights; and this would have resulted from its execution on the high seas, whether on the pretext of a nominal blockade, or with the view to enforce a domestic regulation against foreign vessels, not within the domestic precincts, but under the authority and protection of the law of nations.—Had then the French Decree been executed on the high seas against the commerce of the U. States with G. Britain; and have the U. States acquiesced in the injurious and unlawful proceeding?—I state, sir, on undeniable authority, that the first instance in which that Decree was put in force against the neutral rights of the U. States, was that of the Horizon, an American ship bound from G. Britain to Lima, wrecked within the territorial jurisdiction of France, but condemned under an exposition of the Decree extending its operation to the high seas against neutrals. This judicial decision took place as late as the 30th of Oct. 1807; and was not officially known to the minister plenipotentiary of the U. States at Paris till some time in November. At the date, therefore, of the first Order of G. Britain, no injury whatever had been done to her, through an aggression on the commerce of the U. States; no presumption even had been sufficiently authorized, that the express stipulations in the Treaty of France with the U. States would not exempt their commerce at least from the operation of any edict incompatible with them.—At the date even of the latter Orders of Nov. 11th, it appears that the only aggression which had then occurred was, pretty certainly, unknown to the British government, and could therefore have had no share in producing this alledged retaliation.—To the fact, that the case of the ship Horizon was the first that occurred of an execution of the French Decree on the high seas, I am able to add, that as late as the 30th Nov., no other case had been brought into the French Court of Prizes. From accounts which have lately appeared, it is more than probable, that unlawful captures by French cruizers have since taken place; but it remains to be known, whether they are to be referred to the concurrence of the French government, in the judgment pronounced in the case of the Horizon, or not rather to a French Decree of the 17th Dec. last, purporting to be a retaliation on the British Orders of Nov. 11th.—I state with equal confidence, that at no time have the U. States acquiesced in violations of their neutral rights injurious to G. Britain, or any other belligerent nation; so far were they in particular from acquiescing in the French Decree of Nov. 1806, that the moment it was known to their minister at Paris, he called for explanations of its meaning in relation to the U. States, which were favourable and uncontradicted by the actual operation of the Decree; that he steadily watched over the proceedings under it, with a readiness to interpose against any unlawful extension of them to the commerce of the U. States; that no time was lost, after the Decree came to the knowledge of the government here, in giving him proper instructions on the subject; that he was equally prompt, on receiving the decision of the court in the case of the Horizon, in presenting to the French government a remonstrance which can never be censured for want of energy; and that by the first opportunity after that decision reached the President, the particular instructions required by it were forwarded to that minister. Nor is it to be forgotten, that, previous to the British Orders of Nov., it had been explicitly communicated to the British government, by the American minister at London, that explanations, uncontradicted by any overt act, had been given to our minister at Paris, which justified a reliance, that the French Decree would not be put in force against the U. States; and that the communication was repeated to the British government, immediately on the publication of those Orders.—What more could have been required on the part of the U. States, to obviate retaliating pretensions of any sort on the part of G. Britain? Retaliations are measures of rigour in all cases, where they are to operate through a third and involuntary party. They will never be hastily resorted to by a magnanimous or just power, which will always allow to the third party its right to discuss the merits of the case, and will never permit itself to enforce its measures, without affording a reasonable time for the use of reasonable means for substituting another remedy. What would be the situation of neutral powers, if the first blow, levelled through them by one belligerent against another, was to leave them no choice, but between the retaliating vengeance of the latter and an instant declaration of war against the former?—Reason revolts against this as the sole alternative. The U. States could no more be bound to evade the British Orders by an immediate war with France, than they were bound to atone for the burning of the French ship of war on the shore of North Carolina, by an immediate resort to arms against Great Britain.—With respect to the principle given in the British Orders, it is perfectly clear, that it could not justify them in the given to their operation, if the facts erroneously assumed could have been fully sustained.—Retaliation is a specific or equivalent return of injury for injury received; and where it is to operate through the interests of a third party, having no voluntary participation in the injury received, the return ought, as already observed, to be inflicted with the most forbearing hand.—This is the language of common sense, and the clearest equity. As the right to retaliate results from the wrongs suffered, it cannot, in the nature of things, extend beyond the extent of the suffering. There may often be a difficulty in applying this rule with exactness, and a reasonable latitude may be allowable on that consideration; but a manifest and extravagant departure from the rule can find no apology.—What then is the extent of the injury experienced by G. Britain from the measures of her enemies; so far as the operation of these measures, through the U. States, can render them in any sense responsible?—A mere declaration by a belligerent, without the intention or the means to carry it into effect, against the rights and obligations of a neutral nation, and thence against the interests of another belligerent, can afford no pretext to the latter to retaliate at the expence of the neutral. The declaration might give just offence to the neutral, but it would belong to him alone to decide on the course prescribed by the respect he owed to himself.—No real damage having accrued to the belligerent, no indemnity could accrue.—For the same reason, a declaration of a belligerent, which he is known to be either not in a state, or not to intend to carry, but partially, into execution against a neutral, to the injury of another belligerent, could never give more than a right to a commensurate redress against the neutral. All remaining unexecuted, and evidently not to be executed, is merely ostensible, working no injury to any, unless it be in the disrespect to the neutral, to whom alone it belongs to resent or disregard it.—Bring the case before us to this plain and equitable test: the French Decree of Nov. 1806, undertook to declare the British Isles in a state of blockade, to be enforced, if you please, against the neutral commerce of the U. States on the high seas, according to the faculty possessed for the purpose. As far as it was actually enforced, or an effect resulted from an apprehension that it could and would be enforced, it was an injury to G. Britain, for which, let it be supposed, the U. States were answerable. On the other hand, as far as it was not enforced, and evidently either would not or could not be enforced, no injury was experienced by G. Britain, and no remedy could lie against the U. States. Now, sir, it never was pretended that, at the date of the first British Order, issued in January 1807, any injury had occurred to, or was apprehended by, G. Britain, from the execution of the French Decree against the commerce of the U. States, on the theatre of their neutral rights; so far from it, that the Order stands self-condemned as a measure of retaliation, by expressly stating, that the fleets of France and her Allies, instead of being able to enforce the blockade of the British Isles, were themselves confined to their own ports by the entire superiority of the British Navy; converting thus, by the strangest of reasonings, the security of Great Britain against injury from the French Decree, into a title to commit injury on a neutral party. In the November Orders, also, whilst it is admitted that the French Decree could not be but imperfectly executed for want of means, it is asserted that the intention of the French Decree, and not the injury accruing from its operation through the commerce of the United States, is the scale by which the retaliating injury against them is to be measured.—Such are the pretexts, and such the principles, on which one great branch of the lawful commerce of this country became a victim to the first British Orders, and on which the last Orders are now sweeping from the ocean all its most valuable remains.—Against such an unprecedented system of warfare on neutral rights and national independence, the common judgment, and common feelings of mankind, must for ever protest.—I touch, sir, with reluctance, the question, on which of the belligerent sides the invasion of neutral rights had its origin. As the U. States do not acquiesce in these by either, there could be no plea for involving them in the controversy; but as the British Orders have made the Decree of France, declaring, contrary to the law of nations, the British Islands in a state of blockade, the immediate foundation of their destructive warfare on our commerce, it belongs to the subject to remind your government of the illegal interruptions and spoliations suffered, previous to that Decree, by the neutral commerce of the U. States, under the proceedings of British cruizers and courts, and for the most part in consequence of express orders of the government itself. Omitting proofs of inferior note, I refer to the extensive aggressions on the trade of the U. States, founded on the plea of blockades, never legally established according to received definitions, to the still more extensive violations of our commerce with the ports of her enemies, not pretended to be in a state of blockade, and to the British Order of Council issued near the commencement of the existing war.—This Order, besides its general interpolation against the established law of nations, is distinguished by a special ingredient, violating that law as recognized by the course of decisions in the British courts. It subjects to capture and condemnation all neutral vessels returning with lawful cargoes, on the sole consideration that they had, in their outward voyage, deposited contraband of war in an enemy's ports.—If the commerce of the U. States could therefore, in any case, be reasonably made the victim and the sport of mutual charges and reproaches between the belligerent parties, with respect to the priority of their aggressions on neutral commerce, G. Britain must look beyond the epoch she has chosen for illegal acts of her adversary, in support of the allegations on which she founds her retaliating edicts against our commerce.—But the U. States are given to understand, that the British government has, as a proof of its indulgent and amicable disposition towards them, mitigated the authorized rigour it might have given to its measures, by certain exceptions peculiarly favourably to the commercial interests of the U. States.—I forbear, sir, to express all the emotions with which such language, on such an occasion, is calculated to inspire a nation which cannot for a moment be unconscious of its rights, nor mistake, for an alleviation of wrongs, regulations, to admit the validity of which would be to assume badges of humiliation never worn by an independent power.—The first of these indulgences is a commercial intercourse with the dependencies of the enemies of G. Britain; and it is considered as being enhanced, by its being a deviation in favour of the U. States from the ancient and established principle of maritime law, prohibiting altogether such an intercourse in time of war.—Surely, sir, your government, in assuming this principle in such terms, in relation to the U. States, must have forgotten their repeated and formal protests against it, as these are to be found in the discussions and communications of their minister at London, as well as in explanations occasionally made on that subject to the British representative here. But permit me to ask more particularly, how it could have happened that the principle is characterized as an ancient and established one? I put the question the more freely, because it has never been denied that the principle, as asserted by the British government, was for the first time introduced during the war of 1756. It is in fact invariably cited and described, in all judicial and other official proceedings, as the rule of 1756. It can have no pretension to the title of an ancient rule. And instead of being an established rule or principle, it is well known that G. Britain is the only nation that has acted upon or otherwise given a sanction to it: nay, it is not even an established principle in the practice of G. Britain herself, when first applied in the war of 1756, the legality of a neutral trade with enemy's colonies was not contested by it. In certain cases only of the colonial trade, the allegation was, that the presumptive evidence arising from circumstances against the *bonâ fide* neutrality of the ownership, justified the condemnation, as of enemy's property. If the rule of condemnation was afterwards, during that war, converted into the principle now asserted, it could not possibly have been an operation, in its new shape, more than a very few years. During the succeeding war of 1778, it is admitted by every British authority, that the principle was never brought into operation; it may be regarded, in fact, as having been silently abandoned: and within the period of war, since its commencement in 1793, the manner in which the principle has been alternately contracted and extended, explained sometimes in one way, sometimes in another, rested now on this foundation, now on that, is no secret to those who have attended to its history and progress in the British Orders of Council and the British Courts of Admiralty.—With the exception therefore of a period, the last in modern times from which authentic precedents of maritime law will be drawn, and throughout which the U. States, more interested in the question than any other nation, have uniformly combated the innovation, the principle has not, in the British tribunals, been in operation for a longer time than three or four years, or five years, whilst in no others has it ever made its appearance, but to receive a decision protesting against it.—Such is the antiquity, and such the authority, of a principle, the deviations from which are held out as so many favours, consoling the U. States for the wide-spread destruction of their legitimate commerce.—What must be said as to the other exceptions, which seem to have been viewed as claims on the gratitude of the U. States? Is it an indulgence to them, in carrying on their trade with the whole continent of Europe, to be laid under the necessity of going first to a British port to accept a British licence, and to pay a tribute to the British exchequer, as if we had been reduced to the colonial situation which once imposed those monopolizing restraints? — What again must be said as to the other features, which we see blended on the face of these regulations? If the policy of them be to subject an enemy to privations, why are channels opened for a British trade with them, which are shut to a neutral trade? If in other cases the object be to admit a neutral trade with the enemy, why is it required that neutral vessels shall perform the ceremony of passing through a British port, when it can have no possible effect but the known and inevitable one of prohibiting the admission of the trade in the port of its destination?—I will not ask why a primary article of our productions and exports, Cotton Wool, is to be distinguished, in its transit, by a heavy impost not imposed on other articles; because it is frankly avowed in your explanation of the Orders, to be intended as an encouragement to British manufacturers, and a check to the rival ones of France. I suppress also, though without the same reason for it, the inquiry, why less rigorous restrictions are applied to the trade of the Barbary powers than are enforced against that of a nation such as the U. States, and in relations such as have existed between them and G. Britain.—I cannot pass without notice the very unwarrantable innovations contained in the two last of the Orders.—In one of them, a certificate of the local origin of a cargo, although permitted in the port of departure, and required in the port of destination, by regulations purely domestic in both, and strictly analogous in principle to the regulations in the commercial code of G. Britain, is made a cause of capture on the high seas, and of condemnation in her maritime courts. In the other Order, the sale of a merchant ship by a belligerent owner to a neutral, although a transaction as legal, when fair, as a dealing in any other article, is condemned by a general rule, without an atom of proof or of presumption that the transfer in the particular case is fraudulent, and the property therefore left in an enemy.—In fine, sir, the President sees in the Edicts communicated by you, facts assumed which did not exist, principles asserted which never can be admitted, and, under the name of retaliation, measures transcending the limits reconcileable with facts and the principles, if both were as correct as they are unfounded. He sees, moreover, in the modification of this system, regulations violating equally our neutral rights and our national sovereignty. He persuades himself therefore that your government will see, in the justness of the observations now made, in addition to what I had the honour verbally to state to you in the first instance, that the U. States are well warranted in looking for a speedy revocation of a system which is every day augmenting the mass of injury, for which the United States have the best claims to redress.—I have the honour to be, &c. (Signed) James Maddison.

No. V.—*Circular Note from Mr. Canning to Mr. Pinkney, announcing the Blockade of the Port of Copenhagen, and Ports of the Island of Zealand; dated May 4th,* 1808.

Mr. Secretary Canning has the honour to inform Mr. Pinkney, that his majesty has judged it expedient to establish the most rigorous Blockade of the port of Copenhagen, and of all the other ports in the Island of Zealand. Mr. Pinkney is therefore requested to apprize the American consuls and merchants residing in England, that the entrances of all the ports above-mentioned are and must be considered as being in a state of Blockade; and that from this time all the measures authorized by the Law of Nations, and the respective Treaties between his majesty and the different neutral powers, will be adopted and executed with respect to all vessels attempting to violate the said Blockade after this notice. Mr. Secretary Canning requests, &c.

No. VI.—*Letter from Mr. Pinkney to Mr. Secretary Canning; dated Great Cumberland Place, August 23d,* 1808.

Sir; I have had the honour, in consequence of the orders of the President, to recall your attention, in the course of several recent interviews, to the British Orders in Council of the 7th of January and 11th of Nov. 1807, and to the various other Orders founded upon or in execution of them; and I now take the liberty to renew, in the mode which I have understood to be indispensable, my instances on that subject.—I need scarcely remind you, sir, that the government of the U. States has never ceased to consider these Orders as violating its rights, and affecting most destructively its best interests, upon grounds wholly inadmissible both in principle and fact.—The Letters of Mr. Madison to Mr. Erskine, of the 20th and 29th of March 1807, produced by the official communication of that minister of the Order of the 7th of Jan. and the Answer of Mr. Madison of the 25th of March 1808, to a like communication of the Orders of the 11th of November, contained the most direct remonstrances against the system which these Orders introduce and execute, and expressed the confident expectations of the President that it would not be persisted in. —That expectation has not yet been fulfilled; but it has, notwithstanding, not been relinquished. The President is still persuaded that its accomplishment will result from a careful review by his majesty's government, made in the spirit of moderation and equity, of the facts and considerations which belong to the occasion.—It is not my purpose to recapitulate in that Note the statements and reasonings contained in the above-mentioned Letters of Mr. Madison, in support of the claim of the government of the United States, that the British Orders be revoked: I content myself with referring to those Letters for proofs, which it is not necessary to repeat, and for arguments, which I could not hope to improve.—But there are explanations which those Letters do not contain; and which it is not proper for me now to make. Even these, however, may be very briefly given, since you have already been made acquainted, in our late conversations, with all their bearings and details.—These explanations go to shew, that while every motive of justice conspires to produce a disposition to recall the Orders of which my government complains, it is become apparent, that even their professed object will be best attained by their revocation.—I had the honour to state to you, sir, that it was the intention of the President, in case Great Britain repealed her Orders, as regarded the United States, to exercise the power vested in him by the Act of the last session of Congress, intitled, "an Act to authorize the President of the United States, under certain conditions, to suspend the operations of the Act laying an Embargo on all ships and vessels in the ports and harbours of the United States, and the several supplementary acts thereto," by suspending the Embargo law and its supplements as regards Great Britain.—I am authorized to give you this assurance in the most formal manner; and I trust that, upon impartial enquiry, it will be found to leave no inducement to perseverance in the British Orders, while it creates the most powerful inducements of equity and policy to abandon them.—On the score of justice, it does not seem possible to mistake the footing upon which this overture places the subject; and I venture to believe that in any other view, there is as little room for doubt.—If, as I purpose, your Orders should be rescinded as to the United States, and our Embargo rescinded as to Great Britain, the effect of these concurrent acts, will be, that the commercial intercourse of the two countries will be immediately resumed; while, if France should adhere to maxims and conduct derogatory to the neutral rights of the United States, the Embargo, continuing as to her, will take the place of your Orders, and lead with an efficacy not merely equal to theirs, but probably much greater, to all the consequences that ought to result from them.—On the other hand, if France should concur in respecting those rights, and commerce should thus regain its fair immunities, and the law of nations its just dominion, all the alledged purposes of the British Orders will have been at once fulfilled.—If I forbear to pursue these ideas through all the illustrations of which they are susceptible, it is because the personal conferences to which I have before alluded, as well as the obvious nature of the ideas themselves, render it unnecessary.—I cannot conclude this Note without expressing my sincere wish, that what I have now suggested, in conformity with the liberal sentiments and enlightened views of the Pesident, may contribute not only to remove the more immediate obstacles to the ordinary intercourse of trade between your country and mine, in a manner consistent with the honour of both, but to prepare the way for a satisfactory adjustment of every question important to their future friendship.—I have the honour to be, &c.

(Signed) W. Pinkney.

No. VII.—*Mr. Secretary Canning's Note to Mr. Pinkney, of the 23rd September* 1808.

The undersigned, his majesty's principal secretary of state for foreign affairs, had the honour to receive the official Letter addressed to him by Mr. Pinkney, minister plenipotentiary of the U. States, respecting the Orders in Council issued by his majesty on the 7th Jan. and 11th Nov. 1807.—He has laid that Letter before the king; and he is commanded to assure Mr. Pinkney, that the answer to the proposal which Mr. Pinkney was instructed to bring forward has been deferred only in the hope that the renewed application, which was understood to have been recently made by the government of the U. States to that of France, might, in the new state of things which has arisen in Europe, have met with such reception in France as would have rendered the compliance of his majesty with that proposal consistent as much with his majesty's own dignity, and with the interests of his people, as it would have been with his majesty's disposition towards the U. States.—Unhappily there is now no longer any reason to believe that such a hope is likely to be realized; and the undersigned is therefore commanded to communicate to Mr. Pinkney the decision which, under the circumstances as they stand, his majesty feels himself compelled, however unwillingly, to adopt.—The mitigated measure of retaliation, announced by his majesty in the Order in Council of the 7th of Jan., and the further extension of that measure, (an extension in operation but not in principle,) by the Orders in Council of November, were founded (as has been already repeatedly avowed by his majesty) on the "unquestionable right of his majesty to retort upon "the enemy the evils of his own injustice," and upon the consideration, that "if third "parties incidentally suffered by these "retaliatory measures, they were to seek "their redress from the power by whose "original aggression that retaliation was "occasioned."—His majesty sees nothing in the Embargo, laid on by the President of the U. States of America, which varies this original and simple state of the question.—If considered as a measure of impartial hostility against both belligerents, the Embargo appears to his majesty to have been manifestly unjust—as, according to every principle of justice, that redress ought to have been first sought from the party originating the wrong; and his majesty cannot consent to buy off that hostility which America ought not to have extended to him, at the expence of a concession made, not to America, but to France.—If, as it has more generally been represented by the government of the U. States, the Embargo is only to be considered as an innocent municipal regulation, which affects none but the U. States themselves, and with which no foreign state has any concern; viewed in this light, his majesty does not conceive that he has the right, or the pretension, to make any complaint of it; and he has made none. But in this light there appears not only no reciprocity, but no assignable relation between the repeal, by the U. States, of a measure of voluntary self-restriction, and the surrender by his majesty of his right of retaliation against his enemies.—The government of the U. States is not now to be informed, that the Berlin Decree of Nov. 21st, 1806, was the practical commencement of an attempt, not merely to check or impair the prosperity of G. Britain, but utterly to annihilate her political existence, through the ruin of her commercial prosperity; that, in this attempt, almost all the powers of the European continent have been compelled more or less to co-operate; and that the American Embargo, though most assuredly not intended to that end, (for America can have no real interest in the subversion of the British power, and her rulers are too enlightened to act, from any impulse, against the real interests of their country,) but by some unfortunate concurrence of circumstances, without any hostile intention, the American Embargo did come in aid of "the blockade of the European continent," precisely at the very moment when, if that blockade could have succeeded at all, this interposition of the American government would most effectually have contributed to its success.—To this universal combination, his majesty has opposed a temperate, but a determined retaliation upon the enemy; trusting that a firm resistance would defeat this project, but knowing that the smallest concession would infallibly encourage a perseverance in it.—The struggle has been viewed by other powers, not without an apprehension that it might be fatal to this country. The British government has not disguised from itself, that the trial of such an experiment might be arduous and long, though it has never doubted of the final issue. But if that issue, such as the British government confidently anticipated, has providentially arrived much sooner than could even have been hoped; if the blockade of the continent, as it has been triumphantly styled by the enemy, is raised even before it had been well established; and if that system, of which extent and continuity were the vital principles, is broken up into fragments utterly harmless and contemptible, it is nevertheless important, in the highest degree, to the reputation of this country, (a reputation which constitutes a great part of her power,) that this disappointment of the hopes of her enemies should not have been purchased by any concession; that not a doubt should remain to distant times of her determination, and of her ability, to have continued her resistance; and that no step which could even mistakenly be construed into concession, should be taken on her part, while the smallest link of the confederacy remains undissolved, or while it can be a question whether the plan devised for her destruction has or has not either completely failed, or been unequivocally abandoned.—These considerations compel his majesty to adhere to the principles on which the Orders in Council of the 7th Jan. and the 11th of Nov. are founded, so long as France adheres to that system by which his majesty's retaliatory measures were occasioned and justified.—It is not improbable indeed that some alterations may be made in the Orders in Council, as they are at present framed; alterations calculated not to abate their spirit or impair their principle, but to adapt them more exactly to the different state of things which has fortunately grown up in Europe, and to combine all practicable relief to neutrals with a more severe pressure upon the enemy.—But of alterations to be made with this view only, it would be uncandid to take any advantage in the present discussion; however it might be hoped, that, in their practical effect, they might prove beneficial to America, provided the operation of the Embargo were not to prevent her from reaping that benefit.—It remains for the undersigned to take notice of the last paragraph of Mr. Pinkney's Letter. There cannot exist, on the part of Mr. Pinkney, a stronger wish than there does on that of the undersigned, and of the

British government, for the adjustment of all the differences subsisting between the two countries. His majesty has no other disposition than to cultivate the most friendly intercourse with the U. States.—The undersigned is persuaded that Mr. Pinkney would be one of the last to imagine, what is often idly asserted, that the depression of any other country is necessary or serviceable to the prosperity of this. The prosperity of America is essentially the prosperity of G. Britain; and the strength and power of G. Britain are not for herself only, but for the world. When those adjustments shall take place, to which, though unfortunately not practicable at this moment, nor under the conditions prescribed by Mr. Pinkney, the undersigned nevertheless confidently looks forward, it will perhaps be no insecure pledge for the continuance of the good understanding between the two countries, that they will have learnt duly to appreciate each others friendship; and that it will not hereafter be imputed to G. Britain, either, on the one hand, that she envies American industry as prejudicial to British commerce, or, on the other hand, that she is compelled to court an intercourse with America as absolutely necessary to her own existence.—His majesty would not hesitate to contribute, in any manner in his power, to restore to the commerce of the U. States its wonted activity; and if it were possible to make any sacrifice for the repeal of the Embargo, without appearing to deprecate it as a measure of hostility, he would gladly have facilitated its removal as a measure of inconvenient restriction upon the American people.—The undersigned is commanded in conclusion to observe, that nothing is said in Mr. Pinkney's Letter of any intention to repeal the Proclamation, by which the ships of war of G. Britain are interdicted from all those right of hospitality in the ports of the U. States, which are freely allowed to the ships of his majesty's enemies.—The continuance of an interdiction which, under such circumstances, amounts so nearly to direct hostility, after the willingness professed and the attempt made by his majesty to remove the cause on which that measure had been originally founded, would afford but an inauspicious omen for the commencement of a system of mutual conciliation; and the omission of any notice of that measure, in the proposal which Mr. Pinkney has been instructed to bring forward, would have been of itself a material defect in the overture of the President.—But the undersigned is commanded no further to dwell upon this subject, than for the purpose of assuring Mr. Pinkney, that on this and every other point in discussion between the two governments, his majesty earnestly desires the restoration of a perfect good understanding, and that his majesty would decline no measure for the attainment of that object, which should be compatible with his own honour and just rights, and with the interests of his people. The undersigned requests of Mr. Pinkney to accept, &c. (Signed)

George Canning.

[Thanks of the House given to Brigadier-General Fane.] Brigadier-General Henry Fane being come to the house, the Speaker acquainted him, that the house had, upon Wednesday last, resolved, That the Thanks of this House be given to him, for his skilful and gallant exertions against the enemy in the battles of Roleia and Vimiera, by which he reflected so much lustre on his majesty's arms; and the Speaker gave him the Thanks of the house accordingly, as followeth:

"Brig. Gen. Fane; Upon the late Expedition to Portugal, it was your fortune to hold a distinguished command in the British army which repeatedly gave battle to the forces of France. The event of such conflicts could not be doubtful; British valour and discipline triumphed; and those who commanded and directed their exertions were covered with glory.—Whenever the battles of Roleia and Vimiera shall be named (and they will be long and often named with exultation), your heart may glow with the conscious and honourable pride, that your sword upon those days was not drawn in vain; and although that gallant and accomplished officer, who, placed by your side, jointly with you, sustained the brunt of the day at Vimiera, has since been unhappily swept away by the course of human events beyond the reach of our Thanks, his brave brethren in arms may rest assured, that the name of general Anstruther will live, not unhonoured, in the sad and grateful remembrance of his country.—But, sir, in what concerns your exploits in Portugal, my present duty stops here; and I am, in the first place, to deliver to you the Thanks of this House, in the name of the Commons of this United Kingdom, for your skilful and gallant exertions against the enemy in the battles of Roleia and Vimiera, by which you reflected so much lustre on his majesty's arms."

Upon which Brigadier-General Fane said, "Mr. Speaker; Although I am unable to express, in adequate language, the very high sense I entertain of the honour conferred upon me, upon the present occasion, yet I trust the house will do me the justice to believe that I feel it as I ought. To you, sir, I have to offer my warmest thanks for the very flattering manner in which you have communicated the Vote of the House."

[Thanks of the House given to Lieut. Gen. Fraser and Brigadier-General Fane.] Lieut. Gen. Alexander Mackenzie Fraser being also come to the house, and Brig. Gen. Henry Fane being present, the Speaker acquainted them, that the house had, upon Wednesday last, resolved, That the Thanks of this House be given to them for their distinguished conduct and exemplary valour displayed in the Battle of Corunna, whereby the complete repulse and signal defeat of the enemy, on every point of attack, was effected, and the safe and unmolested embarkation of the army secured in the presence of a French army of superior force; and the Speaker gave them the Thanks of the House accordingly, as followeth;

"Lieut. Gen. Mackenzie Fraser, and Brigadier-Gen. Fane; The deep grief which this nation has felt, for the loss it has experienced by the death of that illustrious commander the late sir John Moore, in the memorable Battle of Corunna, has been mitigated in some degree, by the reflection, that it still numbers amongst its brave defenders, many gallant and distinguished officers, who, formed and fired by his great example, we may confidently expect, will emulate his glory.—In this honourable list your names stand inrolled. And this House, acknowledging with gratitude your important services upon that lamented but glorious day, has commanded me to deliver you its Thanks: and I do accordingly, in the name of the Commons of this United Kingdom, thank you for your distinguished conduct and exemplary valour displayed in the Battle of Corunna, whereby the complete repulse and signal defeat of the enemy, on every point of attack, was effected, and the safe and unmolested embarkation of the army secured in the presence of a French army of superior force."

Upon which Lieut. Gen. Fraser said, "Mr. Speaker; The high and distinguished honour conferred upon us by the House calls for our warmest acknowledgement and gratitude, and will be an incitement to us, if any were wanting, to use every exertion in our power to add fresh lustre to his majesty's arms, whenever an opportunity offers. Permit me, sir, also to offer you my thanks for the handsome and flattering manner in which you have been pleased to convey to me the sentiments of the House."

[Thanks of the House given to Rear-Admiral sir Samuel Hood.] Rear Admiral sir Samuel Hood being come to the House, the Speaker acquainted him, that the House, had, upon Wednesday last, resolved, That the Thanks of this House be given to him for his most effectual and able disposition of the ships and transports, and for his effectual exertions in accomplishing the embarkation of his majesty's troops at Corunna on the late memorable occasion; and the Speaker gave him the Thanks of the House accordingly, as followeth;

"Rear Admiral sir Samuel Hood; The various and brilliant services which have marked the splendid career of your naval glory have long since made you known to the recorded gratitude of parliament; and the memorable and difficult service which you have recently contributed to accomplish at Corunna has called forth this fresh tribute of its applause.—I do therefore now, by the command, and in the name, of the Commons of this United Kingdom, thank you for your most able disposition of the ships and transports, and for your effectual exertions in accomplishing the embarkation of his majesty's troops at Corunna on the late memorable occasion."

Upon which, rear admiral sir Samuel Hood said, "Mr. Speaker; I beg leave to offer my most sincere thanks for the honour conferred on me, by the Vote of this House; it affords me peculiar satisfaction that in the performance of my duty only, my services have met the approbation of the representatives of my countrymen, which I shall always endeavour to merit. For the very handsome manner, sir, you have been pleased to communicate this to me, I request you to accept my warmest acknowledgements."

[Conduct of the Duke of York.] On the motion of Mr. Wardle, the house resolved itself into a committee, to inquire into the Conduct of his royal highness the Duke of York, touching the disposal of commissions in the army, &c. Mr. R. Wharton in the Chair.

Mr. *Wardle*, in proceeding to the investigation he proposed, felt it necessary to call the attention of the committee to a few preliminary observations. He hoped that in the statements he had already made to the house, he had not uttered a single word which could justify a suspicion that he was actuated either by party motives, or any thing like personal animosity towards the commander-in-chief. He trusted his conduct on the occasion had been open and candid. When first he proposed this investigation he had offered an entire list of all the witnesses. He had never kept any thing a secret from the house, and God forbid he should attempt to sustain his charges by any proofs but such as it became a man of honour to offer! He felt it necessary, however, to advert to some strong remarks which had fallen from a right hon. gent. (Mr. Yorke) on a former night, which were not relevant to the subject before the house, and which, he thought, might better have been omitted. He had a right to appear in his place as a member of parliament, the accuser of the commander-in-chief; and it was the privilege of gentlemen on the other side of the house candidly to deliver their opinions on the subject: but he did not expect to be attacked in his personal character, or his conduct imputed to private motives, without any foundation in justice. Much was said about the licentiousness of the press, the spirit of Jacobinism, and of a Conspiracy to overturn the illustrious house of Brunswick. Nothing, however, which he had said, had any thing to do with the licentiousness of the press. There was no man within or without that house who abhorred jacobin principles more than himself, unless by jacobin was meant an enemy to corruption, for such he was, whether it existed in great or little men; and as to conspiracy against the house of Brunswick, if any man presumed to charge such a motive to him, it was the duty of that man openly and manfully to follow up his accusation by proofs. As to jacobinism indeed, if his principles had tended that way, he should have adopted a contrary conduct; and, instead of opposing, have cherished corruption, until it undermined the government. His object, on the contrary, was to check corruption, to serve his country, and to prevent in time those dreadful effects which were the certain consequences of corruption. An hon. and learned gent. had said on the former night, that he could give no credit to the charges against the commander-in-chief, because he had been so intimately acquainted with him for 20 years, that had any such transactions taken place, he must have known of them; but, as he knew of none such, the charges must in consequence be false. He would, however, undertake to prove the existence, not merely of those comparatively slight transactions under investigation, but of others to a most enormous amount, which, most probably, were unknown to the learned gent. and which were the cause of the breach between Mrs. Clarke and his royal highness. He was aware of the difficulties opposed to him in such a pursuit. He was aware there were many members in that house, who might be supposed to lean more towards the commander-in-chief than towards a private individual like himself. He was confident no member of that house would be actuated by motives of partiality in this case. He threw himself upon the honour, the candour, and indulgence of the committee, and without trespassing further on their attention, would proceed to evidence.

Mr. *Yorke* said, as the hon. gent. had alluded to some words which had fallen from him on a former night, he must beg leave to explain. So far from casting any censure on the hon. gent. or imputing to him any hostile motives towards the duke of York, he said his royal highness must feel obliged to him for putting the rumours, long industriously propagated on this subject, into a tangible shape. What he had said about jacobinism and the licentiousness of the press, had no relation at all to the hon. gent. but applied to other topics, which must have been passing at the moment in every man's mind who heard him, and not what fell from the hon. gentleman.

Mr. Wardle then read an extract from the London Gazette, of the 30th July, 1805, announcing the promotion of Col. Brooke, from the 56th regiment to the 5th dragoon guards, vice lieut.-colonel Knight, exchanged, and said he gave this as a competent proof of the exchange.

The first Witness called was Dr. Andrew Thynne. But before his examination, Mr. Wardle assured the committee, that he very reluctantly, and against the gentleman's own wishes, called him as a witness. He had no other concern in the business than merely the inadvertent delivery of a message, which, upon mature reflection, he most probably would have declined.

EXAMINATION OF ANDREW THYNNE, ESQ. M. D.

(By Mr. Wardle.)

Did you attend Mrs. Clarke, in your professional line, in July, 1805? I have attended Mrs. Clarke for the last 7 years: I do not recollect that it was in July, 1805, more than any other time. I have known her for 7 or 8 years, and in different situations; I have attended when she was ill.

Did you ever, by the desire of any person, apply to Mrs. C. respecting an exchange between lieut.-col. Knight and lieut.-col. Brooke? I have applied to Mrs. C. respecting the exchange of lieut.-col. Knight and lieut.-col. Brooke. The application I made was in consequence of an application made to me by an old and valuable friend, Mr. Robert Knight, the brother of the lieut.-colonel. He understood I was acquainted with Mrs. C., he begged I would speak to her to expedite the exchange: and I did speak to Mrs. C. upon the subject, and delivered her the message I got from Mr. Knight, and his brother, the lieut.-col., to whom I was then introduced.

What passed upon that subject between Mrs. C. and yourself? I was authorized to tell Mrs. C. that she would receive a certain sum of money; I specified the sum of 200*l.*

For what was the sum specified; upon what event was that sum offered? It was offered for the purpose of inducing Mrs. C. to expedite the exchange. The exchange was to take place in the office in a certain length of time; it began in the office; some delays and impediments were expected, and, in order to remove those impediments and those delays, I was authorized to say that such a sum would be given to her, if she would exert herself to expedite this exchange.

Through what medium was it expected she should obtain that exchange? I am sure I cannot answer that question; I should suppose it was pretty well known that she was acquainted with a great personage at that time; I know nothing about that; I was desired to deliver a message, and I did nothing more than deliver a message, from an old friend to Mrs. C. to induce her to expedite an exchange between two officers.

Was it not under the consideration and conviction of her, at that time, being under the protection of the Commander in Chief, that such application was made to her? Of course, if Mrs. C. was not thought likely to expedite the thing, no application would have been made to her.

I understand you expressly to have stated that you offered her 200*l.* for expediting this exchange; I wish to ask how many days, to the best of your recollection, there were between the application and the exchange being notified in the Gazette? I really cannot be accurate in that respect, for it made so little impression upon my mind, that I merely recollect having delivered the message. I was anxious to oblige my friend, Mr. R. Knight, but it did not concern me, and I cannot bring my mind to tell the exact period between the application and the Gazette; but I believe, it was a good deal expedited by Mrs. C.

Do you think, to the best of your recollection, it occurred within a few days or a week? I protest I cannot bear it in mind; but, I believe, a fortnight or three weeks elapsed before it was done. I cannot speak positively to that; I had nothing to do with the transaction but barely to deliver that message, and that message made no impression whatever upon my mind.

Did Mrs. C. communicate to you the circumstance of the exchange being gazetted? Mrs. C. sent the Gazette to my house, in consequence of the message I delivered to her from Messrs. Knight; the moment I received the Gazette I sent it to the parties. No money ever passed through my hands. If Mrs. C. received money, she received it through some other quarter. I solemnly declare, that no money passed through my hands whatever. I sent the Gazette to the parties, and what they did with the Gazette I do not care.

Did Mr. R. Knight alone authorize you to offer the 200*l.* or was lieut.-col. Knight a party to that offer? I was entirely influenced by Mr. R. Knight: his lady was an old patient of mine: he was always a great friend of mine. I had nothing to refuse Mr. R. Knight. Lieut.-col. Knight I knew little of at this time; I was introduced to him by his brother: but I was certainly influenced by Mr. R. Knight, and by nobody else.

Is the committee to understand, that lieut. col. Knight was present when this authority was given to you to offer the 200*l.*? I am sure I cannot answer that: for I saw Mr. R. Knight at his own house, sometimes privately, and sometimes in the company of his brother: and the transaction made so little impression upon my mind, that, after a lapse of 3 or 4 years, it is not possible for me to relate all the circumstances: but I was influenced by Mr. R. Knight, who, as a man, I have the greatest esteem and regard for to this hour.

(By Sir Francis Burdett.)

Did you request Mrs. C. to apply to the duke of York, for the purpose of expediting the exchange of lieut.-col. Knight, in consideration of the 200*l.* she was to receive? I do not exactly understand the question: I beg it to be explained.

Whether you requested of Mrs. C. to apply to the D. of Y. to expedite this exchange between lieut.-col. Knight and col. Brooke, and in consequence of that application, told her she would receive the 200*l.*? The thing is understood; I could not have applied, nor should not have applied to Mrs. C. unless she had the means of expediting the thing; it was understood at the time that she had the means.

How did you understand that Mrs. C. possessed the means of expediting that exchange?

It was understood at the time that she had some influence.

[The witness on the motion of Mr. Lockhart, was directed to withdraw, and when re-admitted, was directed by the Chairman to answer to facts within his absolute knowledge, and not to his understanding or surmise.]

Did you or not request Mrs. C. to apply to the D. of Y. to expedite that exchange? I applied to Mrs. C. to beg of her to interest herself on behalf of lieut.-col. Knight, and to expedite the exchange.

Did you or not apply to Mrs. C. to request her to apply to the D. of Y. to expedite that exchange? Yes, I did so, I acknowledge that, if she had it in her power.

Was it for that purpose the 200*l.* was offered to Mrs. C.? For that sole purpose.

In this conversation, was the D. of Y.'s name personally mentioned? I am sure I cannot recollect, I cannot take upon myself to say so. It is impossible for me to recollect every circumstance of a message delivered between 3 or 4 years ago.

Was your application to Mrs. C. merely to expedite the exchange without mentioning the manner in which it was to be expedited? Certainly, without mentioning the particular manner; it was to facilitate and to expedite the exchange.

Through what medium was it expected that she should obtain that exchange? I am sure I cannot answer that question; I should suppose it was pretty well known that she was acquainted with a great personage at that time. I know nothing about that. I was desired to deliver a message, and I did nothing more than deliver a message from an old friend to Mrs. C., to induce her to expedite an exchange between two officers.

(*By Sir James Hall.*)

Who was that great personage? It was understood the Commander in Chief.

(*By Mr. Wardle.*)

At the time you spoke of this exchange to Mrs. C., did you give the names in writing to Mrs. C.? I believe I did on a slip of paper; and on that paper I believe I wrote, 'Lieut-col. 'Knight wishes to exchange with lieut.-col. 'Brooke;' if I did not write it down myself, she wrote it: it was given in writing.

(*By Sir Thomas Turton.*)

Subsequent to your application to Mrs. C., did she at any time communicate to you, that she had used her influence, for the purpose expressed, with the D. of Y.? I do not know that I had seen Mrs. C. from the first communication till she had sent the Gazette to my house; that Gazette proved that the exchange was accomplished; that Gazette I sent to the parties; and that is all I had to do with the transaction.

When that Gazette was sent by Mrs. C., did she communicate to you, that it was by her means the exchange had been obtained? Mrs. C. accompanied the Gazette with a note, to say that the exchange was accomplished, and that she was going out of town in a day or two, and that the 200*l.* would be very convenient.

Are you certain that those were the whole contents of the note? That was the impression upon my mind at the time. This is a transaction between 3 and 4 years ago, and having thought so little about it, I cannot be supposed to know all the circumstances; but I recollect receiving a note, and I recollect receiving a Gazette; the Gazette I sent to the parties: and I cannot recollect any thing more than I have stated.

Since that period, has Mrs. C. ever communicated to you, that it was by her means it was obtained? Mrs. C. never said any thing to me more than sending the Gazette; for, from my first application to the receipt of the Gazette, I do not recollect having seen Mrs. C.; or if I did see her, it was merely to enquire whether any progress was making in the exchange.

Has any communication of that kind been made since the sending the Gazette? I do not recollect having had any such communication; at the same time, I believe it was expedited by her means.

Have you preserved that note? No, I have not preserved it certainly; I considered the note as one not concerning me, and I sent it to the parties with the Gazette.

(*By Mr. Croker.*)

Had you any reason besides your own surmise, for believing that this exchange was expedited by the interference of Mrs. C.? If I recollect right, I understood that the exchange would be obtained in the regular way, in the course of time; but Mr. Knight, whether from ill health, or what other reason I know not, was desirous of having it done expeditiously; and it was in consequence of that, and his brother's wish, that I applied to Mrs. C. in the first instance.

Have you any reason but your own surmise, for believing, that this exchange was expedited by the interference of Mrs. C.? No other reason on earth.

(*By Mr. Wardle.*)

When you made this application, did you not know that Mrs. C. was living with the D. of Y. and immediately under his protection? It was so understood at the time.

Did you ever see the Commander in Chief at Mrs. C.'s? Never.

(*By Mr. Fuller.*)

Of your own knowledge, do you know of such a relative situation between those two parties? (a laugh) I never saw the D. of Y. there in my life.

(*By Mr. Wilberforce.*)

Do you recollect the manner in which the proposition was at first made, engaging Mrs.

C.'s interest? When I first spoke to Mrs. C. she seemed to suppose there were some difficulties in the way, and she spoke a good deal about secrecy, and of the danger that she should run if this ever transpired.

(By the Chancellor of the Exchequer.)

Do you recollect what words she used when she expressed that sentiment? It is impossible for me, at this length of time, to recollect the precise words, but the meaning I am clear in.

You have said that Mrs. C. expressed a great desire that it should be kept secret; did she mean secret from the D. of Y. as well as the rest of the world? That is a matter of surmise.

Did you not understand from Mr. Knight, that the exchange alluded to was in a train of being effected, previous to Mrs. C.'s interest being solicited? I understood the thing would have happened in the course of time. Mr. Knight wished to have the thing expedited, I know not from what motive? and it was to expedite it that he begged of me to speak to Mrs. C. The exchange was a simple, fair thing, as I supposed, and would have gone through the office in the regular way.

Examination of ROBERT KNIGHT, Esq.

(By Mr. Wardle.)

Did you desire Dr. Thynne to use his influence with Mrs. C. to have an exchange between your brother lieut.-col. Knight, and lieut. col. Brooke, carried into effect? I did.

Did you authorize Dr. T. to hold out any personal temptation to Mrs. C. to induce her to carry the point? Yes.

To what amount did you authorise Dr. T. to offer Mrs. C.? 200*l.*

After the exchange was effected, did you, by yourself or any other person, give any sum of money to Mrs. C.? Yes.

To what amount? 200*l.*

Had col. Knight any positive promise from the Commander in Chief for this exchange with col. Brooke, prior to such application to Mrs. C.? My brother applied in the regular way to the D. of Y. and received the usual official answer on the subject, that whenever a proper successor could be found, there would be no objection to the exchange taking place.

Do you know of any positive promise of the Commander in Chief, prior to the application to Mrs. C. that that exchange should take place? No.

Where was the application made to Mrs. C.? There was some delay in the business, from what cause I do not know, and I stated that circumstance to Dr. Thynne, who happened to be attending my family at that time. He replied, that he thought he could be of service, by applying to a friend of his, Mrs. C. I told him I should be much obliged to him if he would apply to her, and that I should be happy to give 200*l.* if the business could be carried into effect, as my brother was in a very bad state of health at the time, and I was very desirous that he should exchange to infantry, for the purpose of going upon half pay, that he might recover his health. I believe he had served as long as any man in the country of his age, and suffered by it; he had served 23 years, and I believe he has been in every battle during the French revolution; and it was my anxiety to serve him, that has placed me in this distressing and painful situation.

How did you send the 200*l.* to Mrs. C.? Under a blank cover, as far as my recollection serves me, by my servant. I do not think that I made any observation in the enclosure, but directed it simply to her.

(By Mr. Leach.)

Did you see Mrs. C. soon after the notice in the Gazette that the exchange was effected, and for what purpose did you see her? I saw her, I think, in the month of September, for the purpose of thanking her.

Upon that occasion did Mrs. C. desire you to be secret with respect to this transaction; and did she assign any, and what reason for that secrecy? She did intreat me to keep it a secret, lest it should come to the D. of Y.'s ears.

Have you seen Mrs. C. within the last month, and how did it happen that you saw her? She wrote, to beg that I would come to her, about a month ago; to which letter I made no reply. She wrote a second letter, as far as my recollection serves me, about ten days ago. I went to her, and she asked me the name of the officer who had exchanged with my brother; I told her. She made a number of complaints of her having been ill-treated by the D. of Y.; that he had deserted her and left her in debt, I think to the amount of 2,000*l.*; and that she was determined, unless she could bring him to terms, to expose him in the manner in which she is now endeavouring to do. I said that that was her affair, but that I trusted she would not introduce either me or my brother. She said, O good God! no, by no means, it is not my intention, you can have nothing at all to do with it. That passed in the drawing-room; and I took my leave, and heard nothing of her since; and I was very much surprized to hear of my name being mentioned in the way in which it has. I was thunderstruck at its being done without any notice.

Had col. Brooke's name been mentioned to the D. of Y. to exchange with your brother, previously to the application to Mrs. C.? I think I have already replied, that the application was made in the regular way. I do not know it; but by a reference to the office, the papers will speak for themselves. I cannot speak from my own knowledge to that.

You have stated, that your reason for applying to Mrs. C. was, that a delay existed in the exchange taking place; do you, of your own knowledge, know where those delays took place, in what office? In the D. of Y.'s office, I suppose.

Can you state in what department of the office? I fancy that col. Gordon was secretary at the time.

(By Mr. Adam.)

You have mentioned that you sent the bank notes in a cover by your servant; at what time of the day did you send those notes? I am pretty sure it was in the former part of the day, rather early in the morning.

(By the Attorney General.)

Were they bank notes that were sent? That I cannot charge my memory with.

Was it one or two notes? Upon my word, I cannot venture to say, but I rather think in two bank notes.

Can you say from whom you received the bank notes? Upon my word I cannot, it is a long while ago, nearly four years.

How long was this before your brother was gazetted? The sending was after he was gazetted.

How long before your brother was gazetted did you speak to Dr. Thynne? I should think the negociation went on near a fortnight, or from a fortnight to three weeks, as far as my recollection serves me.

Did you ever receive any note from Mrs. C. with the Gazette? No, it was from Dr. T. I received the communication.

Did you receive any letter from Dr. Thynne? That I do not recollect.

From Mrs. C. to Dr. T.? No; I do not think that I saw any letter.

Did you ever receive any letter from Mrs. C., except what you have mentioned in your former evidence? I have received several letters from her, subsequent to the transaction.

Respecting this transaction? No: I do not think I received any from her respecting this transaction.

Did you receive any answer to the note transmitting the bank notes? None.

Did your brother, to your knowledge, ever apply to the commanding officer of the 56th regiment, to recommend the exchange to the Commander in Chief? I do not know, I believe he did; I am pretty sure that he did.

Do you recollect about what time? Upon my word, I do not.

Did you receive from Dr. T. the gazette containing the account of the exchange? It now occurs to me that I went to the office for the Gazette myself, somewhere about Chancery-lane; I got it myself from the Gazette office.

How long a time elapsed between the first application being made at the Commander in Chief's office, and the second application to Mrs. C. through Dr. T.? I think, as I said before, about from a fortnight to three weeks.

How long a time elapsed between the first application being made at the Commander in Chief's office, and the second application to Mrs. C. through Dr. T.? Upon my word, I cannot say exactly.

About what time? It might have been ten days; but I cannot speak accurately.

(By Lord Folkestone.)

You have stated, that you went to the Gazette office to fetch the Gazette; had you any reason to suppose that the exchange would be announced in that particular Gazette, or did you go upon every publication to fetch the Gazette, to see whether it was inserted? I think I went three times in the whole.

In point of fact, before this transaction took place, had you ever learned from Mrs. Clarke that she did apply to the Commander in Chief to expedite this exchange? I cannot tell; I did not become acquainted with her till after the exchange was notified in the Gazette; about six weeks afterwards.

In the conversations you have since had with Mrs. Clarke, did you ever understand from her, that she had in fact applied to the Commander in Chief to expedite the exchange? Of course, she took credit to herself for expediting the business.

You have no reason for presuming it, but that she took that credit; you do not know that she actually applied? I am not bound to draw inferences.

Did you ever learn from Mrs. Clarke, that she actually applied? She told me she had applied, certainly, when I saw her in September.

To whom did she say she applied? To the Duke of York.

At the time she said she had applied to the D. of Y., were the D. of Y. and she living upon terms? I do not know that of my own knowledge.

When this conversation took place, did Mrs. C. reside in Gloucester place? Yes.

Was it after she said she had applied to the D. of Y., that she requested the transaction might be kept secret? Yes, it was after, certainly.

In point of fact, did you send the 200*l.* to Mrs. C. for any other reason than her interference in expediting the exchange? I certainly sent it her to do all in her power to accelerate the exchange.

(By sir F. Burdett.)

Did not Dr. Thynne transmit to you a Gazette, after the exchange had taken place between your brother and col. Brooke? I do not know but he might.

Was that accompanied with any note from Mrs. C. to Dr. T.? I do not remember that it was.

(By sir A. Piggott.)

Was it after you had sent the 200*l.* to Mrs. C., that Mrs. C. expressed her desire that it should be kept secret? Certainly.

Was the fact which Mrs. C. desired should be kept secret from the D. of Y., the receipt of the 200*l.* which you sent her? Yes.

Did she expressly desire you to conceal from the D. of Y. your having paid her 200*l.*; did she use those words, or, as nearly as you can recollect, what words did she use? She requested that the whole business might be kept a secret.

Did she express herself particularly, during the conversation, as to the money, or was it one general conversation as to the transaction itself? As to the transaction itself.

Was that wish of Mrs. C., that the matter might be kept secret, at the last interview you had with her about ten days ago? No, it was in the month of Sept. 1805, subsequent to the transaction in question.

How long previously to that interview had the money been transmitted? It was the day after the transaction was notified in the Gazette; I believe, the next morning.

Did Mrs. C., in expressing a wish that the transaction might be kept secret, express a wish that the D. of Y. might not know that you had any thing to do with it? Certainly.

Was not her wish expressed, that it might be kept a secret from the Public? From him, the D. of Y.

Repeat, as nearly as possible, the conversation that passed upon that subject? Upon my word, I do not see how I can exactly; it is a long while ago. It is impossible that I should repeat her words.

What expression did Mrs. C. use, that you now recollect, which enables you to state that it was not from the Public, but from the D. of Y. himself, that she wished it to be kept secret? She begged it might be kept a secret from the D. of Y. I do not know how to shape my answer in any other way; it is impossible to recollect every word that passed four years ago.

Did she add to that request, or did she join with that request, that your having any thing to do with it might be kept from the D. of Y.? She was anxious that the whole transaction might be kept from him.

Did she say, or give you to understand directly, that the D. of Y. would object to your being a party in the transaction, more, probably, than to any other person? No.

Do you know that this exchange took place in consequence of your application to Mrs. C.? I cannot say that I know it; it is impossible that I can say that, for the application had been in the War-Office some time previous to the transaction with Mrs. C.; I should think it must have been in the Office from ten days to a fortnight, but I cannot speak exactly; but that is a fact very easily got at by reference to the War-Office; the correspondence is to be found, no doubt.

Did you ever ask Mrs. C. whether she applied to h. r. h. the D. of Y. to expedite that exchange? It does not occur to my mind that I asked her that question.

Did she ever say that she had applied to the D. of Y.? I understood that she had applied to the Duke, most certainly.

Did Mrs. C. appear more anxious that the transaction might be kept a secret from the D. of Y. than from the Public? The Public was never mentioned in the business.

Was the Gazette, which was transmitted to you from Dr. T., transmitted in a blank cover, or with any letter from the Doctor? I do not remember.

When Mrs. C. told you, that unless the D. of Y. made terms, she would expose him; did she state what measures she was taking to expose the D. of Y.? No.

Do you recollect the expressions that she made use of? She stated that she had been ill treated by him, and deserted by him, and left in debt; and that if he did not pay those debts (I understood her so, however), she certainly would expose him.

(*By Mr. Croker.*)

Do you recollect whether you or Dr. T. first mentioned the name of Mrs. C., in the conversation you had together? I think it was Dr. T.; I became acquainted with her through him.

Was the interview you had in Sept. 1805 the first personal interview you had with Mrs. C.? Yes; but I will not be positive as to its being Sept.; it might have been the latter end of Aug.; it was the latter end of the year.

That was the first interview you had with her? Yes, it was.

(*By Mr. Wilberforce.*)

Where did Mrs. C. reside when you sent the 200*l.* to her? I have already stated, in Gloucester-place.

Had you any particular reason for sending the money early in the morning? No, no particular reason; I should have been sorry to have disturbed the family.

Upon this Mr. Fuller asked, Does the witness know of his own knowledge whether this Lady lived next the Tabernacle or not? (Laughter.)

Mr. Wharton put it to the Committee, whether such a question should be asked. (Cries of No! No! mixed with a roar of laughter.)

Mr. *Lascelles* then observed, that an hon. general, a member of that house, commanded the regiment into which col. Knight exchanged. He should be glad to know whether the exchange met with his approbation.

General *Norton* said, "I cannot speak to the time, but col. Knight certainly applied to me, and explained himself very fully and very satisfactorily to me, or I should not have recommended the exchange which I did."

Examination of Mrs. MARY ANN CLARKE.

(*By Mr. Wardle.*)

Did you reside in Gloucester-place, in a house of the D. of Y.'s, in July 1805? Yes, I did.

Did you live under his protection? Yes, I did.

Do you recollect Dr. T. about that period attending you in his professional line? He attended me, I believe, about that time.

Do you recollect that an application was made to you by Dr. T., to effect an exchange between lieut.-col. Knight and lieut-col. Brooke? Yes, I do.

Do you recollect that he urged great dispatch? Yes.

Did he hold out any expectation of a pecuniary compliment, provided you effected the exchange? Certainly he did.

Do you recollect his mentioning any particular sum? Yes, I think he did say something about a couple of hundred pounds.

Do you recollect that Dr. T. told you, that col. K. had been long endeavouring to get the exchange? Yes, I do.

The *Attorney General* here interposed. He stated that this mode of interrogation was irregular, and that these were not proper questions to put to a witness.—The witness was ordered to withdraw.

Mr. *Wardle* said, he conceived himself perfectly correct in the questions he had put; and it was far from him to wish to do any thing that did not meet the concurrence of the Committee.

Mr. *Beresford* farther noticed, that witnesses to be examined ought not to have the advantage of knowing the evidence given by the preceding witnesses.

Mr. *Wardle*, who had left the house for a short time, observed, that if the hon. gent. alluded to him, he could say, that he went out merely for the purpose of informing Dr. Thynne, that his farther attendance was not necessary that night. In that interval he had not had any conversation with any of the witnesses except Mrs. Clarke, who asked who was under examination at the time? And he answered Mr. Knight.

The *Chancellor of the Exchequer* stated, that the purpose for which the hon. gent. had left the house, could not be mistaken, as it was in consequence of an explanation with him respecting Dr. Thynne's farther attendance.

Mr. *Fuller* said, as the hon. gent. had asked the last witness if she had been, at a certain period, under the protection of the Duke of York, he wished to ask whether that lady was not now under the protection of the hon. gent.?

The house not appearing to countenance such a question, Mrs. Clarke was again called to the bar, and her examination was re-commenced.

(*By Mr. Wardle.*)

Did you afterwards speak to the Commander in Chief upon the subject? Yes, I did.

How did you mention the business to him? I told him of it, and I gave him the slip of paper that Dr. T. gave me, with their names, just after dinner.

Did you at the same time state to the Commander in Chief, that you were to have any pecuniary advantage, provided the exchange took place? His royal highness asked me if I knew the parties, and I said I did not, that they would make me a compliment.

Did you state the amount of the compliment you were to have? I am not certain that I did.

Are you certain that you mentioned to the Commander in Chief, that you were to have any pecuniary compliment? I told h. r. h. that I did not know the men at all, and certainly they would make me some sort of compliment; I did not know them then.

When the exchange appeared in the Gazette, do you recollect sending it to Dr. T.? Yes, I do.

Do you recollect sending any note with that Gazette? Yes.

Do you recollect afterwards receiving any pecuniary consideration? Yes, I do.

How much? A 200*l.* bank note was sent me.

How was that 200*l.* bank note sent you? It was sent me inclosed in a note, with Dr. T.'s compliments.

Do you mean to say that the person who brought it, brought compliments, or that there were any written compliments? I think it was written in the note.

After receiving the 200*l.* do you recollect at any time making that circumstance known to the Commander in Chief? Yes, I do.

When did you mention it to him? The same day.

What passed upon the subject? I only merely said that they had kept their promise.

Did the Commander in Chief know from you the amount of the money you had received? He knew the amount, because I shewed him the note; and I think that I got one of his servants to get it exchanged for me through h. r. h.

(*By Mr. Beresford.*)

Where were you immediately before you came to the Bar of this House? In some room about this place.

Did you see any, and what, people there whom you knew? I saw capt. Thomson there; Mrs. Metcalfe, the wife of Dr. Metcalfe; Miss Clifford, the lady who was with me; Mr. Wardle came in for a minute; Dr. Thynne and his son.

(*By Mr. Windham.*)

Did any, and what, conversation pass between you and Mr. Wardle? None.

Not a word? He asked me how I did, and spoke to a lady there.

No other conversation passed between you and him? None.

Has any conversation passed between you

and Dr. T., since he has been examined in this House? Yes, he has been sitting with me nearly ever since.

To what purpose was that conversation between you? Not at all relative to this business, it has not been addressed to me, it has been addressed to the two ladies with me, entirely.

Repeat as much of that conversation as you can recollect? I could not repeat after Dr. T. if his character is known at all to the gentlemen here, it would be very indelicate; he has merely been laughing at the gentlemen here.

(By sir Thomas Turton.)

Do you know Mr. R. Knight, and how long have you known him? I know Mr. R. Knight; he took an opportunity of calling upon me, to thank me for getting his brother so quickly through the business, soon after I came to town, about a month or six weeks afterwards, in company with Mr. Biddulph.

Was it in the month of Sept.? I do not know exactly the month, it was soon after.

What was the conversation which passed between you at that meeting? It is so long since, it is impossible for me to recollect; but Mr. Knight thanked me for getting the exchange for his brother, as he had been trying some months before, and I did it so very quickly; and Mr. Biddulph had some favour to ask of me.

Did you, upon that occasion, desire Mr. R. Knight to keep secret this transaction? Yes; I should think that I did, certainly I should say that; I do not recollect saying it, but it is very likely that I did.

Do you recollect expressing a wish that it might be kept secret, lest it should come to the ears of h. r. h. the D. of Y.? O no, never.

Or any thing to that effect? Nothing like it.

Are you quite sure of that? Positive.

(By Mr. Lyttleton.)

When you mentioned to the D. of Y., that you were to receive a compliment for promoting the exchange of commissions between these officers, did h. r. h. make any remark upon that; and if he did, what was it? He told me that he knew the business very well, that they had been trying at it some time, and that he thought one of them was rather a bad subject; but he would do it.

When you mentioned to the D. of Y., after the exchange had taken place, that you had received a compliment, and shewed him the note of which that compliment consisted, did h. r. h. then make any observation? Not that I recollect; it was finished.

(By the Attorney General.)

At what time was this application first made to you? Two or three days before it took place, or a couple of days.

Was it not gazetted on the Saturday? I do not recollect.

Can you be sure it was not more than three days before it was gazetted, that the application was made to you? I do not think it was. I think I might guess at the time of the year.

What time of the year was it? His r. h. was going down to Weymouth on the night that I changed the note, which was the reason that I got the note changed; my servants could not get it changed, and his servant got it changed for me. Lord Chesterfield's family was going down, and he was going to be godfather to lord Chesterfield's child: it was the end of July or the beginning of August.

When did you first mention this transaction to col. Wardle? I mentioned it to others before I ever mentioned it to him.

When did you first mention it to col. Wardle? I do not recollect.

About how long ago? It must have been very lately.

Why do you say that it must have been very lately? Because I speak from the fact.

How long ago did you first mention it to col. Wardle? I should think within a month; he had heard it from other quarters than from me, and attacked me upon it.

Had you any knowledge of col. Wardle before he attacked you upon it? Yes, I had.

What had led to your knowledge of col. Wardle before that time? Himself.

Are you speaking of a time before the attack he made upon you with respect to this transaction? Yes, I knew him before ever he attacked me upon this subject.

How long? I suppose six months.

Had you ever mentioned the transaction voluntarily to col Wardle, till he attacked you upon it? He asked me if it was true, and I told him yes.

Had you stated this voluntarily of your own consent to col. Wardle, or only in answer to his enquiries? When Mr. Wardle told me he had heard of it, and mentioned the circumstance to me, I said yes, it was true; that was all I said; I did not think I should be brought here upon it, or I might have been very apt to deny it.

Would you willingly have concealed it? I concealed it from the beginning, it was not a public thing; certainly any thing which ought to be private, I have sense enough to keep as such. I believe Mr. Knight spoke of it himself—it had got round.

Who were those other persons that you spoke to of it, besides Mr. Wardle? A few of my friends, I do not recollect who; I am not without friends.

How came you to mention to a few of your friends, whom you cannot recollect, a transaction which you say ought to have been kept secret, and which you think came forward only from Mr. Knight's mentioning it? I did not say that I mentioned it, I said that my friends mentioned it, and that then I said it was all very true.

When you mentioned this transaction to col. Wardle, did you give the same account of it which you have given to-day? No, I did not.

Which was the true account? Both.

In what did the two accounts differ? I do not see that they differ at all; I did not enter so into detail as I do now.

Was the difference between your accounts, that you were shorter in the account you gave to col. Wardle, than in the account you have given to-day? Considerably.

Can you recollect the day on which Dr. Thynne applied to you? The day of the month or the day of the week?

Either? I do not, it was such a trifling affair.

Cannot you tax your recollection upon either one or the other? Not upon such a trifling occasion.

Have you not told col. Wardle on what day Dr. Thynne applied to you? No, I have not.

Did not you tell col. Wardle that the application was made to you on Thursday, and that it was gazetted on the Saturday? No, I did not; I might as well have said Tuesday as Thursday, I do not recollect any thing about days or dates.

Have you told the house now all that you told col. Wardle upon the subject? I have answered that before? I have told the house more than I have told him a great deal; I told them that I did not go into detail with him, and I have with the house.

Have you told the house every thing that you mentioned to him? Upon what subject?

Upon this subject? Yes, I have, and a great deal more.

What have you told the house to-day, which you have not told col. Wardle? I mentioned it but slightly to him, and I have told every thing here that I recollect, except a slight conversation between h. r. h. and myself, which I suppose it is not necessary to repeat.

On the requisition of Mr. Brand, the witness was ordered to withdraw, and the hon. gentleman then stated, that the tendency of the Attorney General's questions was to impeach the veracity of Mr. Wardle, which he did not consider a fair course of procedure towards his hon. friend.

The *Attorney General* denied that such was by any means his intention. Whatever questions he had felt it his duty to put to the witness was with the sole view of impeaching her veracity alone, and he trusted what he had said, and what he would say, would convince the house of her whole story being a malicious fabrication, and not entitled to any credit. He was far from thinking that any thing he could say to expose her falsehoods could in the least affect the veracity of Mr. Wardle, and nothing could be farther from his intention.—The witness was then called in and re-examined.

(By the Attorney General.)

What circumstances have you mentioned to the house relative to this transaction, which you did not mention to col. Wardle? I did not mention to col. Wardle that I shewed the note to h. r. h. nor did I tell him that h. r. h. got change for it; it was for me that he got change, he was going out of town at one o'clock, and I at four, and I wanted the change, to leave some with my servants in town, and some I wanted with me. I did not enter into that detail with col. Wardle.

Is that the only circumstance that you have mentioned to the house and did not mention to col. Wardle? No, it is not.

State the other circumstances which you did not mention to col. Wardle.—I did not say much to col. Wardle at all, it was very trifling what I mentioned to him: he had heard it from other quarters, and asked me if it was true, and I said yes.

Had you any intention to have mentioned this, if col. Wardle had not asked you? It was in conversation it was mentioned.

Should you have mentioned this to col. Wardle, if he had not mentioned it to you? Perhaps I might, and perhaps I might not.

Had you any object in mentioning it either to him or to any other person? None, whatever.

Had you any end to accomplish by making this known? Certainly not.

Have you ever stated, that you had any ground of complaint against h. r. h.? All my friends know that I have.

Have you ever stated to any one, that you had grounds of complaint against h. r. h.? To many I have stated it.

Have you not stated, that if h. r. h. did not comply with your demands, you would expose him? I told Mr. W. Adam, in a letter, that if he did not fulfil his promises, and the Duke's, by paying me the annuity, for which Mr. Adam was the guarantee, and which Mr. Adam promised me should be regularly and punctually paid me, that I should be necessitated to expose h. r. h.'s letters; that was all.

Have you never said that if h. r. h. did not come to your terms, you would expose him? No, never in my life.

Never to any one? Never to any one whatever; nor is it willing at all in me now, I was very angry in that letter, and perhaps Mr. Adam will produce it: that goes to the worst part that ever I said or acted.

Is it only in one letter that you have threatened to expose h. r. h.? Two I have written to Mr. Adam; that is all, to any one.

Were there threats in both the letters They are not threats: I solicited.

Did you say in those letters, that you would expose h. r. h.? Mr. Adam, I suppose, has the letters; and, if he is in the house, will perhaps produce them.

Did you accompany your solicitations by saying, that if they were not complied with, you would expose the Duke? I do not recollect that I did, but you had better ask for the letters.

Did you never make any declaration of that sort to any other person? No, never.

Did you never state to any other person, that if your terms were not complied with, you would expose the Duke, or use any terms to that effect? I have told you before, I did not.

Are you quite certain of that? Yes, quite.

Did you ever tell Mr. Wardle that you wanted this 200*l*. for a particular purpose? No, I did not.

Did you not say to Mr. R. Knight, that if h. r. h. did not come into your terms, you would expose him? No, I did not.

Did you ever say any thing to that effect to Mr. R. Knight? No, I did not: I told him I was going to publish the Duke's letters, to pay the creditors, which h. r. h. had refused. H. r. h. had insisted, that I should plead my marriage to avoid the debts or that I might go to prison; that was his last message to me.

When was that message sent? I should think six weeks or two months since; my lawyer can tell, the message went to him.

Who is your lawyer? Mr. Comrie was my lawyer.

Who was your lawyer then? Mr. Stokes, who lives in Golden-square.

He was your lawyer when that message was sent? He received the message and came with it to me.

Who carried the message to him? A man in the employ of Mr. W. Adam, a sort of lawyer.

Did Mr. Knight come voluntarily to you, or did you send for him? I was in the habit of writing to Mr. K., since we had been intimate, after the affair of his brother. I wrote him one or two letters, and told him where I lived, and told him to call when he came to town; I dare say he has the letters, which will resolve the question at once.

Did you not write to him, to desire him to come, particularly upon the occasion when you told him you should publish the Duke's letters? No, certainly, I did not.

Did you not send to him, to desire that he would call upon you, and when he came, tell him, that you intended to publish the Duke's letters? I must refer you to the letters; it was only a common sort of letter that I am in the habit perhaps of writing to many more gentlemen, besides Mr. K.

You have mentioned, that you were advised to plead your marriage; are you married? It is of no consequence at all about my husband, that has nothing to do with it; Mr. Adam can tell who I am.

Are you a married woman or not? You have no reason to doubt it. [The Witness was informed by the Chairman, that she must give a direct answer to the question.] I am a married woman; there is no question which I will not answer, though it may be unpleasant.

How long have you been married? I refer you to Mr. W. Adam, he has my certificate. [The Chairman informed the Witness she must give a direct answer to the question.]

How long have you been married? I believe 14 or 15 years.

Is your husband living? I do not know.

Have you not sworn yourself to be a widow? His royal highness, a very short time since, when I sent to him to ask him to send me a few hundred pounds, sent me word, that if I dare speak against him, or write against him, he would put me into the pillory, or into the Bastile. He fancies that I swore myself to be a widow woman when I was examined at a Court Martial. But the Deputy Judge Advocate had more feeling than the gentleman who has examined me now; he told me I might say any thing out of the Court which it might be unpleasant to me to swear to; I told him it would be very improper for me to say that I was a married woman, when I had been known to be living with the D. of Y. I did not swear that I was a widow, I said it out of Court, and it was put into the Court Martial Minutes as if I had sworn to it, but it was not so. The Judge Advocate, to whom I told it, is at the door, and I think he had better be called in. I know now what he is come for.

Who brought that message from the Duke to you? A very particular friend of the D. of Y.'s. (a laugh.)

Who? One Taylor, a shoemaker in Bond-street; very well known to Mr. Adam.

By whom did you send the request to the Duke for these few hundreds to which the Duke sent this answer by Taylor? By my own pen.

How did you send the letter? By this Ambassador of Morocco. (a laugh.)

What do you mean by this Ambassador of Morocco? The ladies shoemaker.

Was it a verbal answer that was brought to you, or a letter? A verbal answer, in Mr. Taylor's own language or the Duke's; I do not know which it was exactly, but those were the words that passed.

What is your husband's name? Clarke.

What is his Christian name? Joseph, I believe.

Where were you married to him? At Pancras; Mr. A. can tell you. [The Chairman stated to the Witness, that he felt it his duty to inform her, that her manner of giving her answers, was extremely indecent, and unbecoming the dignity of the House: and that, if persevered in, it would call for a very heavy censure.]

Have you not said, that you were married at Berkhampstead? I did when I was laughing at Mr. A.

Did you not persevere in that story over and over again? No, I did not, I merely laughed at it.

Was it true or not, that you were married at Berkhampstead? I tell you I told it him laughing; and I told the Duke I was making a fool of him when I said that; for which h. r. h. said he was very sorry, for that he was entirely in Mr. A.'s clutches.

Did you make Mr. A. believe that you were married at Berkhampstead? I do not know what I made him believe.

Did you not find, from subsequent conversations with Mr. A., that he had believed it, and acted upon it in some enquiries that he had made? He set a man of the name of Wilkinson to make some enquiries respecting me; so h. r. h. wrote me in a letter; but I believe that Mr. A., nor no one, will go to say there was any thing improper in my conduct during the time I was under the Duke's protection: nor will h. r. h. believe it, I am certain.

Did you not represent your husband as a nephew of Mr. Alderman Clarke? He told me he was.

Did you believe that your husband was a nephew of Mr. Alderman C.? Yes, I did; he told me so.

Did you ever see Mr. Alderman C.? I never saw any of Mr. Clarke's relations, but two of his brothers, and his sister; I have seen the Alderman sometimes about, as any body else might have seen him.

Do you now believe that your husband is the nephew of Alderman C.? I have never taken any pains to ask any thing concerning him, as I have quitted him; he is nothing to me, nor I to him; nor have I seen him nearly these three years, nor heard of him since he brought an action against the Duke, or threatened; I saw him about a month before that.

What is your husband? He is nothing—but a man.

What business? No business.

Was he never any business? No, his father was a builder: he lives at Kettering, in Northamptonshire.

Was not he a stone-mason? No, he was not; he lives at Kettering with his younger brother, who was brought up at Cambridge, and his brother's wife; that is all I know of him.

Did you ever live in Tavistock-place? Yes, I did.

When did you live there? I do not recollect; I lived there with my mother.

How many years ago? I do not recollect.

When did you go to Gloucester-place? I do not recollect; I was with the Duke, in Park-lane, before.

When did you go to Park-lane? I do not recollect.

How long was it before you went to Park-lane, that you were in Tavistock-place? I do not recollect.

Did you live at any other place between the time of your living in Tavistock-place and in Park-lane? I do not know; the Duke knows if I did; I might have gone to some of his houses; I do not know.

How long did you live in Tavistock-place? I do not recollect; I did not live long there; I was backwards and forwards.

Was not that before you knew the Duke? No, it was not.

Where did you live when first you knew the Duke? You will excuse me if I do not mention it. [The Chairman informed the Witness she must answer the question.] I do not recollect.

If you do not recollect, why did you desire to be excused from answering the question? Because I do not recollect it.

Was your only reason for desiring to be excused from answering the question, that you do not recollect it? Yes; because it would be seeming as if I could not answer many of the questions you put to me: I wish to be very fair and very honest.

Recollect yourself, and say positively whether you did not live in Tavistock-place before you knew the Duke? I knew the Duke many years before that. I do not think it is a fair question at all to put to me; you hear that I am a married woman, and I have a family of children, and I have a daughter grown up.

Did you not live in Tavistock-place before you were under the Duke's protection, as you expressed yourself? I was under his protection; I might have lived there; I lived under his protection there.

Do you mean to say, you were under his protection when first you went to Tavistock-place? No; I was under my mother's; but I knew him before.

Did you not live in Tavistock-place as a widow; did you not represent yourself as a widow? No, never at any place whatever; but at that court-martial lately I did; I thought it was saving myself and my family something; and I thought it was saving h. r. h. likewise, as he was married also.

Do you mean to say that you never lived in Tavistock-place till you were under the protection of the Duke? No; I say I was there with my mother and my children; I knew h. r. h. previous to that, but I did not live with him.

Did you not represent to the trades-people who furnished your house there, that you were a widow? Never to any one whatever.

Have you not threatened the Duke, that if he would not come into the terms you proposed, and pay you what you required of him, you would put the letters into the hands of persons who would pay you? Would pay me what?

That which you required the Duke to pay you? What is that? will you be so good as to state what I wanted him to do.

Have you not stated, that you had put upon paper, or would put upon paper, the transactions for the last 14 or 15 years, and that if he did not comply with your demand, that you would put that memoir into the hands of persons who would publish it? No, I have not; I cannot recollect what I said, but I must beg for the letter, and that will convince at once.

You have stated, that you have mentioned this transaction to some other persons besides col. Wardle; who are those persons? Indeed I do not recollect; my acquaintances; it might have been in a slight sort of way; I did not make a talk of it myself.

How long ago was it that you first mentioned it to col. Wardle? That must have been since

I wrote that letter to Mr. Adam; I did not know col. Wardle at that time: Mr. Adam sent a messenger to me, but I would not see him.

Who has been present besides col. Wardle, when you have ever mentioned this transaction to him? I do not know of any body but my children, or a young lady now and then; nobody of any consequence—no man.

To what man have you ever mentioned this, except to col. Wardle? To many gentlemen; to my acquaintances; I do not recollect; I do not know.

Do you know major Hogan? Not at all; I never saw him in my life, nor ever heard of him till I read a pamphlet. Mr. Greenwood sent a message a little time since by this same man, Taylor, to say that he was very sorry to hear that I was acquainted with a Mr. Finnerty. I never saw the man in my life. I believe about eight or nine years ago, at Margate, they said there was some newspaper men there, and he was there; that is all that I know. I never saw him since. And there is another man who writes, who says he is very intimate with me; I never saw him but once, and that was when h. r. h. was with me: that was at my mother's.

(*By Mr. Croker.*)

Do you recollect the particulars of the last conversation which you had with Mr. R. Knight? Yes; he asked me who had taken the house I was in, and if the Duke and I were upon intimate terms now; it was a sort of general conversation; and then the subject of the letters came up, and he asked me whether h. r. h. had paid me my annuity; I told him no; that h. r. h. had not taken any further notice of me nor of the debts; that he had forgotten the annuity, and indeed that he had sent me word that he had never made any; that the trades-people were daily harrassing me for the debts I had run into when I was under his protection, and it was impossible for me to plead my marriage to them all, the people not being contented, and that I would publish his letters, and give the money among the trades-people. Mr. R. Knight then desired me, if I was going to publish any sort of memoir, that I would be sure to spare his brother. That was the heads of the conversation that passed between us.

Was there any other notice taken, in that conversation, of the business that is at present under discussion, except Mr. R. Knight requesting you generally to spare his brother? No, certainly not.

Did you make any inquiries of Mr. R. Knight, concerning the business now under discussion? Mr. Knight told me, I believe, as well as I can recollect: "Ah, by the bye, you got very well over the difficulty that my brother could not;" and then I asked him the name of the other man, but I knew it before, and what sort of looking man he was; he said he was an Irishman.

I understand you to have said, in the former part of your examination, that col. Wardle had mentioned the circumstances to you; and that all the information you had given to him, was generally, that the circumstances he had so mentioned, were true: do you still abide by that answer? Yes.

Have you ever had any more than one conversation with col. Wardle upon this matter under discussion? No, I have not; and I hope I shall never hear of it any more.

Are you in the habit of seeing col. Wardle, or have you seen him more frequently than that occasion when he came to inquire into those circumstances? O dear, yes.

Do you recollect how long ago it was that that conversation relating to this business took place between you and col. Wardle? I have said before, it could not have been long since.

Has the only conversation you had with col. Wardle, upon this subject, taken place within these three days? No.

Has it taken place since Friday last? Indeed I do not know; I do not recollect: I do not think that it has.

Did that conversation take place since Friday last? No; to the best of my recollection not.

Did you see col. Wardle on Saturday last? I see him very often; I think I saw him at the Opera on Saturday.

Did you see him any where else but at the Opera on Saturday? He frequently calls upon me.

Did you know, and when did you know, that col. Wardle had, in this house, stated the present transaction, and mentioned his intention of calling upon you as a witness? When I saw the newspaper. He called upon me soon afterwards, and I certainly was very angry with him; and we had some words, as he had made very free with a friend's name of mine, Mr. Donovan, without my authority, depreciating his services and abilities. Mr. Donovan has been wounded in the service of his country, and has not been in bed for these 20 years; and he is only a lieutenant in some garrison battalion. Mr. Wardle, one morning when he was calling upon me, took a parcel of letters away from me, without my giving him my sanction: and that has led more to the business than any thing, and I have never been able to get them back since. He laughed it off, saying, that he should get into my love-secrets. They were letters between friends and myself.

Do you not now recollect, that it was on Saturday last that you saw the newspaper that gave you this information? I do not recollect the day at all.

Did you not see col. Wardle on Saturday last? I see him almost every day; sometimes every other day, or twice a week—I do not recollect—I dare say I did—I am in the habits of seeing him often; but I did not know he was going to bring this thing forward; and I told him I would get out of town; and he told me, that if they caught me any where they would put me in prison, and I must not show contempt to a summons from the house of commons.

Did you see col. Wardle yesterday? I think I did.

Have you any doubt; are you not certain that you saw him yesterday? No, I did not see him yesterday.

Are you certain now that you did not see him yesterday? I think that I am; I do not think I was at home all day.

Did you see col. Wardle on the forenoon of this day? Yes, I did, two or three times.

Do you still adhere to your former answer, that you have not, within these three days or since Friday last, had any conversation with col. Wardle, relative to the subject at present under discussion? To day he told me that I must come here and obey that summons; and one day last week, a few days ago, he told me I must abide by what he had done, and speak the truth, and if I did not the house would commit me for contempt; that if I prevaricated at all, and did not speak the truth, the house would commit me, and send me where they had sent some sheriffs before.

You have stated, that h. r. h. the Commander in Chief must have known you had received a pecuniary compliment for the service you had done to col. Knight, because he had seen a note; did you shew the Commander in Chief that note before or at any other time, except when you asked him to exchange it for your own convenience, for the distribution of money among your servants? I shewed it him after dinner one day, when I was going out of town in the morning, and h. r. h. at night: I never shewed it him, but that once, and it was changed on that night.

By whom was the message concerning Finnerty conveyed? By Taylor; he told me that he had just left Mr. Greenwood, who had been just reading one of Hogan's pamphlets to him, and that Mr. Greenwood told him that he had been told by several people, that I was concerned with all the pamphlet writers, and among the rest, was very intimate with one Finnerty, which I denied, as I do now.

Soon after you had received the 200*l.* Mr. R. Knight and Mr. Biddulph called upon you? Yes, I do not know exactly how soon after. I went out of town the night after I had received the 200*l.* and staid perhaps a fortnight or three weeks, and they called after that time. He introduced Mr. Biddulph to me.

Did Mr. R. Knight, after that, ever call upon you alone at any time, soon after you had received the 200*l.*? Many times alone.

Did you ever at any time, in conversation with Mr. R. Knight, either when Mr. R. Knight was alone with you, or when any person was with you, ever say to him, that you were desirous that the transaction that had happened should be concealed from h. r. h.? Never in my life; I never said that, and I have so stated before.

Then, if any body has ever said that you said so, that accusation is false? Certainly.

(By Lord Folkestone.)

You have stated, that you sent the Gazette, containing the exchange which took place, in a note to Dr. T.; do you recollect what was said in that note? No, I do not; very little, I dare say, as I sent the Gazette with the note.

You have likewise stated, that the 200*l.* was brought to you in a note, with Dr. T.'s compliments; are you certain as to that fact? Yes, I think I can say positively to that, because I told my own maid to go down and give the man who brought the letter a guinea.

Was the compliments a verbal message, or inserted in the note? I am certain the note was inclosed in an envelope; I never recollected to speak certain as to there being a note on the paper, because I thought there was a finish of the thing, and that nobody would ever call upon me about it, but I think I read Dr. T.'s compliments.

Do you know who brought that note to your house? No, it was a man servant, and I considered it to be Dr. T.'s servant, as he had spoken to me.

Do you recollect at what time of day it was received? In the middle of the day.

You have stated in a former part of your examination, that the exchange was effected within a very few days after the application was made for the exchange; do you allude to the application made by Dr. T. to you, or the application made by you to the Commander in Chief? I spoke to h. r. h. the same day at dinner.

And the exchange was effected within a few days? Yes, two or three days.

Do you recollect how soon after that it appeared in the Gazette? The same day as it was effected it was in the Gazette.

Had you any reason to desire to conceal from the Commander in Chief Mr. R. Knight's visits to you; did you ever desire him to conceal his visits from the Commander in Chief? I never concealed his visits, or those of any gentleman who ever visited me, from the Commander in Chief.

(By the Chancellor of the Exchequer.)

Were those letters you referred to, taken away before the time that col. Wardle had the conversation first with you upon the subject of this inquiry? Yes, I should think they were, because it is some time since.

Do you recollect how long since? No, I do not; but there was nothing of Mr. Knight's business in those letters.

Had you any conversation with col. Wardle, upon the subject of those letters, before he took them away? No, I had not.

How happened they to be lying in his way? Because I was looking over my papers, going into a new house: I had removed from my mother's in Bedford place, to Westbourn-place, and he took up those letters, and said he would take away the packet of love-letters; and he ran away with them.

Do you mean seriously to state that col. Wardle took away those letters without your leave, and without your authority? Yes, he did; but he had run away with many others, which I suppose had induced him to take those nonsensical little notes he had run away with before, and then he told me he would give me those back again, if I wished it; that they were on a different subject to what he imagined them to be; that he was very sorry for it; but he should take care to read them before he gave them me back.

Were those letters, letters from h. r. h. to you? No, there might have been one or two of his interspersed; but they were Mr. Donovan's letters, and others.

Do you mean to say they were not the D. of Y.'s letters that were taken away by Mr. Wardle? No, they were not; he has not let me see them once.

How came you to state, that the greatest part of this business has principally been occasioned by those letters having got into the possession of col. Wardle? Because he has read them.

Whose were those letters, that he had read, which led to this inquiry? There are more letters than I could really mention or recollect; they are from different friends of mine, and on different subjects, which I suppose led him to make such free use of Mr. Donovan's name.

Do you recollect ever having been offered any money for the delivery of any letters from h. r. h., or from Mr. Donovan? Never.

Did you ever place any letters in the hands of any body, with intent to forward and facilitate any negociation of your own? No, I have not.

Have you never so said to any body? Except to Mr. Adam, who was the confidential friend of h. r. h.

Have you never stated, that you had put letters in the hands of any one, for the purpose of facilitating some negociation of your own? No, I have not, except that once or twice that I wrote to Mr. Adam, I never did nor never said it to any one.

Have you ever in point of fact, put any letter into the hands of any one, for the purpose of facilitating any negociation of your's? No, I have not.

Have you never written to any one, to say that you had so done? To no one but Mr. Adam.

What is the name of the Deputy Judge Advocate, to whom you have referred? His name is Sutton.

At the time when you received the 200*l*., was the D. of Y. present in the room? No, he was not.

How soon afterwards did you state to the D. of Y., that Mr. Knight had fulfilled his promise? The same day.

Was it on the same day that you desired h. r. h. to get that note changed for you? I did not desire h. r. h. to get it changed for me; he wished it himself, as I could not do it.

What was the name of the servant by whom that note was changed? I do not know, I am sure; it is a very unusual thing to ask servants their names.

Mr. *Beresford* said, in explanation, that he had put a question to the hon. gent. opposite him, from having observed him leave the house, and, on his return, proceed to a course of examination, in which he appeared to put answers in the witness's mouth. He did not suspect the hon. gent. of any bad intention, and firmly believed, that his disavowal of such intention was sincere.

Mr. *Wardle* said, that from the moment he left the room, he never asked the witness a question respecting this business, nor had the slightest intention of it.

Mr. *Whitbread* stated, that it was in the recollection of the Committee, most probably, that the account which his hon. friend had given of his conversation with the witness, was merely an answer to her question, who was then examining.

The *Chancellor of the Exchequer* asked if there were other witnesses to be produced? and Mr. Wardle declared himself satisfied to let his case rest there.

Examination of Mr. WILLIAM ADAM.

William Adam, esq. a Member of the House, was then examined in his place as follows:

(By the Chancellor of the Exchequer.)

You have heard the account which the last Witness has given of the part you took in this transaction; will you give your own account of it? I wish to state to the Committee, in answer to the question put to me by the hon. and learned gent., that I believe in the year 1789 I was first desired by h. r. h. the D. of Y. to look into some concerns of his. From that time to the present period I have continued my attention to those concerns, and I have continued it upon the ground that I stated the other night to the House; namely, that it is not professional, that it is not attended with any emolument whatever, but it has been perfectly gratuitous on my part. I felt it a duty, when engaged in it, to discharge all of it, and every part of it, with as much fidelity and accuracy and attention as I could. It came to my knowledge, late in the year 1805, that the husband of the person who has been examined at the bar, threatened an action for *crim. con.* against the D. of Y.: it was necessary to inquire into the circumstances of the case; and it fell to my lot, from the communications which I had upon other subjects with h. r. h., and from the intercourse which had constantly and invariably subsisted (if I may use the expression) between h. r. h. and myself, that I should give directions for those inquiries. In the course of these directions, and in the matter that was laid before me in consequence of the investigation, I had reason to believe that the conduct of the person who has been examined at the bar had not been so correct as it ought to have been, and that it had a tendency to prejudice h. r. h.'s interests, not his character in a military point of view or in a public capacity, but his interests and his name with regard to money: This led to further inquiry; and I conceived it to be my duty to intimate the result of these things to the D. of Y.: I found the Duke not inclined to believe that there could be any thing wrong in that quarter, and that he continued of that opinion almost to the last, till the very close of the connection; and that the connection, as the facts will shew, closed in consequence of his conviction that that investigation had disclosed the character of the person who has just been examined. The transactions of a pecuniary nature, which as I have stated, had no relation to any thing like the subject of this inquiry: these transactions came to be brought more directly home to h. r. h.'s attention by a fact which I could state, if it were fit according to the rules of evidence; but it would be stating hearsay evidence, and that, hearsay evidence of the party whose conduct is the subject of inquiry: I state it merely to make my evidence intelligible. I then directed the inquiry more at large, and had an accurate investigation made by employing Mr. Lowton, an eminent Solicitor, who employed Mr. Wilkinson, as the person that he generally gets to superintend business until it is brought forward in proper shape, he not having leisure for those parts of his business. By Mr. Wilkinson, to whom the person at the bar alluded, these investigations were completed; and when they were completed, they were, I think, either upon the 6th, 7th, or 8th of May 1806, submitted in detail and in writing to h. r. h., accompanied with the proofs: it was an unpleasant task, because it is not pleasant to state to any person that which is contrary to their inclinations and their feelings; but it was a thing that I thought I was bound, in the discharge of my duty to the Duke, to do exactly in the manner in which I had received the information. This information was considered. In the course of it, h. r. h. wished that I should have an interview with the person who has just been examined; I accordingly agreed to have that interview, because I considered that no unpleasantness that might afterwards, or at the time, arise to myself, should prevent me from following up the business, and extricating that royal person from the person with whom he was at that time connected. Upon the score of those representations, I had this interview: it was an interview not of very long duration; but, of course, I conducted the conversation to those points which led me to discover how far, with perfect accuracy, there was truth or falsehood in the information which I had obtained in the manner I have stated. It had been represented to me, that this person had defended an action as a married woman, having obtained the property for which the action was brought in the character of a widow. Investigation was made with regard to the place of her marriage, and it was found she was married a minor at Pancras. She had represented, at different times, that her mother was of a family of the name of Mackenzie; that her father was named Farquhar; that they lived in the neighbourhood of Berkhampstead, and that accounts would be had of the family there. The Berkhampstead Register had been examined with that view, and it was examined with accuracy for forty years back. In the course of the conversation I had with her in the first interview, I took occasion to ask her, where she was married; and she stated to me, seriously and distinctly, that she was married at Berkhampstead. I then took occasion to put some questions with regard to the register of Pancras; and I took occasion likewise to state what I knew with respect to the registers of births, burials, and marriages at Berkhampstead; and, from the impression it made, I came away with a conviction in my mind, that those facts which have been stated to me upon the investigation I had directed, were correct and true; because, no doubt remained upon my mind, from her demeanour and conduct upon that occasion. She stated seriously that her marriage was at Berkhampstead. She likewise stated, in that conversation, that her husband was a nephew of Mr. Alderman Clarke, now the chamberlain of London. I know, from the same investigation, that that was equally incorrect with the other. In a few days after this, h. r. h.'s mind being made up to separate himself from this person, I was again asked by h. r. h., whether I had any difficulty in undertaking the communicating to her his determination. My being to wait upon her was announced in a short letter from the Duke to her; and I, accordingly, from the same motive which I have already stated, and feeling it to be a duty, as I had commenced the transaction which was to lead to this, not to flinch from any personal inconvenience, or any unpleasantness which might arise at the time, or in future, to make the communication, I made the communication, and I accompanied it with this declaration, That the Duke thought it his duty, if her conduct was correct, to give her an annuity of 400*l.* a year, to be paid quarterly; that he could enter into no obligation in writing, by bond or otherwise, that it must rest entirely upon his word, to be performed, according to her behaviour, and that he might therefore have it in his power to withdraw the annuity in case her behaviour was such as to make him consider that it was unfit it should be paid. That was the nature of the proposition which I made, and no other. The conversation lasted for a very short time. I left the lady, and I have not seen her from that time to the present moment. These circumstances seem to me in the narration, all that is necessary to be stated with respect to that part of the transaction in which my name has been so frequently used. There are, however, two other matters, the one in which my name was used when it was first introduced, and the other respecting a particular person, upon which I wish to state the facts to the Committee. I did at some time in the year 1808, receive a letter, I think the 11th of June; I will not be quite sure about the date, but I think it is marked in my own hand 11th of June 1808, which is the letter which has been alluded to. I am not in possession of the letter, I gave it into the same custody that had the papers which constituted the investigation I have stated; that letter I shall state nothing of the contents of; I only mean to say that letter is in a situation to be produced, and I suppose from what has passed there will be no necessity for any thing more. The other fact to which I wish to speak, is with respect to the persons whom I employed. With respect to Mr. Wilkinson, the Committee have already heard the manner in which he has been employed, and those who know him, know his capacity for that employment. With regard to the other person, of the name of Taylor, I can only say that I never happened to see that person in the whole course of my life. If, in what I have stated, in which the facts only can be considered as evidence, but which I have endeavoured to make intelligible by connecting circumstances, any thing has arisen for any question to be put to me, I am most anxious that all or any gentlemen in the House should call upon me to answer it. The separation took place upon the 11th of May 1806; the transaction which has been examined took place in July 1805.

(By the Attorney General.)

Did you guarantee this annuity? Never, I stated that it was to depend entirely upon her behaviour, and not to be guaranteed, because the Duke was to be at liberty to withdraw it, in case of her behaviour rendering it proper so to do.

(By Lord Folkestone.)

Was the promise, whatever it was, made to her in a letter written by you? That was what I stated in conversation.

When you announced the separation, it was not by a conversation, but by a short letter written to her? I did not state that the short letter was written by me, but that the short letter was written by the Duke. On subjects of this kind, not having had any opportunity of refreshing my memory, I may not have been perfectly correct in trifling particulars, but now I can state, that the only letter I ever wrote to her was a very short note, that I was coming to wait upon her in consequence of the Duke's wishes that I should do so.

(By the Attorney General.)

Did Mrs. C. appear exasperated at the separation? She appeared very much surprised at the communication; she did not appear exasperated, but she declared her determination to see the Duke again; and I collected from what she said, that she expected to be able to prevail upon him to receive her again under his protection.

Did she know that you had been active in explaining the nature of her conduct to the Duke? I had every reason to believe so; I do not know it of my own knowledge.

Examination of Mr. WARDLE.

Gwyllym Lloyd Wardle, esq. a Member of the House, was then examined in his place, as follows:

(By the Attorney General.)

Had you only one short conversation with Mrs. C. upon the subject of to-night's inquiry? That is a difficult question to answer exactly, there are such a vast variety of cases I have talked over with her from time to time. I do not know exactly the time when I talked this case over with her; I had heard of it before, and, in short, got out of her more than she told me voluntarily. She attacked me very warmly with respect to another case which I mentioned, and I believe she spoke generally of the whole. When the matter was talked over between us, I took my pen and ink, and entered every thing which passed in a book. I do not believe that I have altered any part of what I entered. I believe I never had but one pointed conversation on this case; whether, in speaking of other cases, I have touched upon that, I cannot say; the case has remained in that book ever since; and I took a copy the other day, from that book, of what I had written.

What you stated to the House, was what you had collected from Mrs. C.? What in part I had collected from Mrs. C., and in part from other quarters.

Did you state to the House any thing as having passed between Mrs. C. and those persons who were immediate agents in this transaction, except what you collected from her? I fancy a good deal. I know some points; but I believe a good deal of the main points were stated from the book which I had written when I had conversed with her upon the subject.

Did she state to you that this passed on the 25th of July? No, she did not, certainly. I do not think she was at all aware of the positive date. I remember, at the time of the conversation, she mentioned the circumstance of lord Chesterfield's christening, and seemed guided by that: that h. r. h. was going down to that christening; and, by that, she made out the period to be in July, when the transaction took place.

Upon what authority did you state with particularity, that this took place on Thursday the 25th of July; this agreement for the 200*l.*? She, upon taking note of that christening, and taking note of the Gazette also, was positive then in her assertion (I remember perfectly well) that the thing was proposed on the Thursday, and done on the Saturday: that was her positive assertion, from the first to the last; and that it was that led me to state it.

I understand you to have stated, that she did not state it to be on the 25th? She did not, in the first instance; the Gazette was found, and the moment it was looked into, she was so positive as to the Thursday and the Saturday, that no doubt remained upon her mind.

Have you a particular recollection, that it was at last brought to the Thursday, the 25th of July? I have really no further recollection: I have no other guide.

Do you remember that it was the Thursday preceding the Saturday on which the Gazette was published? I do not know how to make the matter clearer: these were the two points that guided me in my assertion: if I was wrong in my assertion, it was a blunder arising from that.

Is the Committee to understand, that while Mrs. C. and yourself were seeking to fix the day on which this transaction took place, the Gazette was found; and, that finding the date of that, and considering the time which had preceded it, you fixed the date on which the offer was made to be on the Thursday preceding? I mean merely to assert, that from the evidence Mrs. C. gave me, and from the information I got from the Gazette, I fixed that it must be on the very day I mentioned; I had no other guide to go by of one description or another; and I do not see that I am to stand here, however willing I may be, after the very heavy examination which that Witness has gone through, which, I believe, many gentlemen think with myself must tire any gentleman; I do not feel disposed to submit to the same sort of discipline; she never did, to the best of my recollection, give me any other date than that I have mentioned, the christening of my lord Chesterfield; and I remember her stating, that the thing was petitioned on the Thursday, and done on the Saturday; more than that I really do not recollect on the subject. Any question which I can answer, I shall be willing to answer, but I do not know how further to answer that. I afterwards enquired, and ascertained when that christening was; and, from that and the Gazette, I mentioned the date, which I thought was correct; whether it was or not, I cannot state.

Mr. *Whitbread* spoke to order. He did not think it was regular or usual for a member bringing forward a charge, to undergo an examination, to disclose where and how he got his information.

The *Speaker* observed, that it had been determined, in more instances than one, that no member had a right to examine another, except in a Committee of Inquiry. In this case the house was in that situation, and it was proper that any member, who could give any information, or throw any light on the subject, should be examined; for instance, a member, Mr. Biddulph, had been directed to attend in his place this day, for the purpose of being examined, and if he did not attend, the House would consider it their duty to send for him.

Mr. *Canning.* I wish to be informed if the hon. gent. intends to answer the question put to him or not? (A loud cry of Chair! Chair!)

The *Chancellor of the Exchequer* said it was not the intention of his learned friend (the Attorney-General) to put questions to impeach the veracity of the hon. member, but for the purpose of comparing the communications which he had received from Mrs. Clarke, with the evidence which she had given, with a view to impeach her veracity.

Mr. *Whitbread* thought that the right hon. gent. (Mr. Canning) was precipitate in putting the question which he had done to Mr. Wardle, as he thought his fatigue afforded a claim for further time.

(By the Attorney General.)

The Gazette was referred to as a medium of proof at the time? No, I referred to the Gazette since.

Was that in the presence of Mrs. C.? No, it was not.

Was that circumstance communicated to her? Not by me; I do not know that it was.

I understood you to have said, that you and Mrs. C., upon referring to the Gazette, and other circumstances which occurred to you, fixed, that the time must have been about Thursday the 25th of July? Then I said what I did not mean; the conversation was respecting the christening; I made enquiry when the christening was of a friend or two of my own; and I mentioned it from that: whether between that period and this I may have named the date to her, or she got it from another quarter, I cannot say; that of the three days was all the information that I obtained from her as to the date.

Is it true that you took away some papers from Mrs. C. against her will, and without her consent? I certainly did take some letters away from Mrs. C., which I did not believe she exactly approved at the moment; I did it in that sort of way, there was no force in the business; but amongst papers, she was in the habit of giving me letters respecting the cases; and she gave me one or two of Mr. Donovan's: there were one or two of Mr. D.'s, and one or two of light moment from another quarter on the table. I said, I will take this away; and she said, those are from a friend of mine, and he must not be touched; that made me curious about the letters; and they were certainly letters of very great moment: I have had them in my possession ever since.

Mrs. C. had been in the habit of communicating letters to you upon this subject before that time? One or two letters, not relative to this case; but one or two letters much about that time, just about that period, she communicated to me.

Relative to the D. of Y.? No; that had nothing at all to do with this business.

Why was it that he was not to be touched? It was Mr. Donovan.

(By Mr. Canning.)

Did Mrs. C. ever state to you, that she had stated to h. r. h. her wishes to go into the country, and that those wishes might be gratified without any expence to h. r. h., as an opportunity had occurred to her of obtaining the sum of 200 *l.*? No; she stated to me, to the best of my recollection, that she wanted to go into the country; that she told h. r. h. that there was 200 *l.* could be had for that exchange, and that she got it, and went in consequence. I do not recollect any thing further.

Did she inform you that she had stated this to h. r. h., previous to the receiving the 200 *l.*, and with a view to obtain h. r. h.'s consent so to receive it? I understood that she had stated, three days before the occurrence took place, that she should have a pecuniary consideration; that that pecuniary consideration was 200 *l.*, and that she went into the country immediately after she received it. I understood her, that she had told h. r. h. that a pecuniary consideration was to be given for the exchange, and that that pecuniary consideration proved to be 200*l.*; that that was told him on the day when the application was made, which I understood from her was three days before it took place.

Three days before the person was gazetted, or three days before the 200 *l.* was received? Three days before the person was gazetted; I understood the person was gazetted, and the money was received, on the same day or the next day.

Did Mrs. C. state to you, that she had stated to h. r. h., previously to her actual acceptance of the offer of 200 *l.*, that such an offer, in fact, had been made to her, and that the acceptance of it would enable her to go into the country, which she desired to do? I understood from her, that when she made the request to the Commander in Chief, she had mentioned to him that she was to receive a pecuniary consideration; as to the going out of town, that was a fixed thing before, they were both going out, as I understood; but in justice to her I will state what I this moment recollect, that a few days ago, after my motion, she stated, that I had been very incorrect, if the papers stated truly what I said, and whether it was that, or what other circumstance, I will not undertake to say; but to the best of my recollection, I understood from her, that on the day she made the application, she gave the Commander in Chief to understand, that a pecuniary consideration was forthcoming for the exchange.

Did you receive any other information from any other person than those who have been examined here to night, and col. Knight, as to this point, upon which you founded the statement which you made to the House? I had, as I before stated to the House, had other information from other quarters; it will not become me to state to the House who those persons were; that I conceive would be very indecorous.

(By Mr. Wilberforce.)

Did that expression which Mrs. C. used as to a particular person, who was not to be touched, imply that there were some proceedings to be instituted concerning some other persons? I have no reason to think that she meant any more than exactly what she said, that when I got hold of those letters, she knew I was possessed of facts that would touch Mr. Donovan: I do not think she connected any other matter with it.

With respect to these letters which you carried away from Mrs. C.'s, has Mrs. C. since made frequent application to you for those letters? Yes, she has; and was very much enraged with me, particularly for having said what I did respecting Mr. Donovan.

Was the conversation which took place on Saturday, the conversation to which you alluded, in which you received the information upon which you proceeded? That was subsequent to my motion.

(By Mr. Croker.)

Did you see Mrs. C. yesterday? I was at her house late last night, about nine o'clock; I was in the drawing-room for a few moments, there was company with her.

Did you see Mrs. C. yesterday? Yes, as I have said before, I was in her drawing-room, when she had company last night.

She was in that drawing-room? Yes, certainly.

Is it possible that she should not have seen you in the drawing-room at that time? No, it is totally impossible.

(By Mr. Canning.)

I understand you to say, that being informed that the gazetting took place within two or three days after the original order, you provided yourself with the Gazette of Saturday, in which that appointment appeared, and so, calculating backwards, fixed Thursday as the day on which the proposition had been made? I understood from the first, that it was on the Thursday that the exchange had been applied for, and that the business was completed on the Saturday; that is entered in my book in the first conversation, that she understood it was gazetted on the Saturday, or in two or three days.

The Gazette in which this is announced is dated on the Tuesday? Yes, I am perfectly aware of that fact; that is a blunder of her's, but I never heard any one thing to make me doubt that it was so till to-night.

(By Mr. Croker.)

Being asked whether you were not at Mrs. C.'s yesterday, you answered that you had been there about nine o'clock in the evening; were you not at Mrs. C.'s house at any prior hour of yesterday? I called at Mrs. C.'s yesterday morning, she was not at home; I returned in the evening, and had a conversation with her for a few minutes.

Did you merely call at Mrs. C.'s house; did you not go into it, and wait a very considerable time at Mrs. C.'s house? I was up in Mrs. C.'s drawing-room for some time in the morning, I did not see her then, but I saw her in the afternoon.

William Adam, esq. was again examined in his place, as follows:

(By Mr. Wilberforce.)

Having mentioned the annuity which was conditionally promised, can you state whether that annuity was actually paid; and, if so, for how long? I can state nothing respecting the payment; I had nothing at all to do with it; I never heard any thing of it from the time when I had the second and last interview.

You have stated, that the annuity was to be continued so long as Mrs. C.'s conduct was correct; will you have the goodness to explain that term? The term I used I meant in this sense; that her conduct was to be such as not to have any reference to any pecuniary transactions, such as I stated to have been the cause of the investigation, and the subject of the subsequent communication to her by me, that the D. of Y. was to have no further connection with her; and I stated in my evidence, that at that time, nor at any time till recently, had I any notion that there were any transactions of this kind in which she had been in any way concerned: Those pecuniary concerns to which I alluded, were the use of the D. of Y.'s name for the purpose of raising money, so as to involve his credit and character, but not by the sale of commissions.

(By Mr. Beresford.)

Do you mean by getting in debt with tradesmen, and borrowing money? Any mode by which she could raise money.

Did you continue, from the year 1806, to have the management of h. r. h.'s finances, and his money concerns? I had not, properly speaking, the management of any part of h. r. h.'s. But I wish to mention this to the House; the D. of Y., from causes which it is unnecessary to refer to, found his circumstances embarrassed; at a very early period, he applied to me to look into them, and to get matters arranged: he appropriated to that arrangement, as soon as his income was such as to enable him to afford it, a very large sum of money, annually, 12,000 *l.* a-year, that was put under the administration of Mr. Coutts and myself, as trustees for the creditors, to settle the payments. From the circumstance of the D. of Y. being a mere annuitant, and from other causes, which I should be extremely glad to explain, to render my evidence intelligible, particularly from one cause, that in the arrangement of his estates he had cast upon him the expence of a large inclosure, which by Act of Parliament he was bound to see executed, which took a great deal of money, and his being under the necessity of buying tithes to a large amount, together with the property tax coming on him, we were not enabled to operate the redemption of the debts by the payment of 12,000*l.* a year, it was therefore the D. of Y.'s wish to appropriate a larger sum; this was done and it is still to go to a greater extent in the hands of Mr. Coutts and myself, for the same purposes. These are the monies which come within my management, and no other. I know nothing about the D. of Y.'s private expenditure; I know nothing about the pension he pays to any one, but only the fund raised for the payment of debts, and also that for the reduction of the debt he owes to the Public, a sum lent to him from the Civil List, when Mr. Pitt was Minister, and which Mr. Pitt and other Ministers suspended the payment of to a certain time, and which was last year begun to be paid: a fund was vested in me for the payment of 4,000*l.* a year of that; this will extend to the sum of from 26 to 30,000*l.* a year; and when it is considered that the income tax falls upon that, as well as the whole of his other property, I believe that h. r. h. will be found to give up as large a sum of money as his present circumstances will afford. These are the only funds which fall under my knowledge; and therefore it is impossible for me to know whether a pension is paid to this or that person, and it is not correct to suppose that I am in the administration of his affairs further than I have stated.

Did Mrs. C. apply to you at any time since 1806 for payment of this pension? It is extremely difficult for me to state positively that she did not, but I believe the two letters which she mentions are the only letters I have ever received from her. I cannot undertake to say, in the variety of transactions I have, that there were no others; the prominent letter was that of the 11th June 1808, which I immediately indorsed, and delivered over to Mr. Wilkinson.

Examination of COLONEL GORDON.

(By the Attorney General.)

Do you hold any office under the Commander in Chief? Yes, I do.

What is it? His Military or Public Secretary.

Does the business of exchanging commissions pass through your office? It does.

Can any transaction of that nature pass without your knowledge? It is quite impossible.

Do all the documents by which the persons, who apply to exchange, are recommended, pass through your office? They do.

Do they pass first under your examination and consideration? Generally; I might almost say always.

Do you report the result to the Commander in Chief? Most undoubtedly, without fail.

How long have you held the office that you do at present? About four years and a half.

Did you hold it in 1805? I did.

When any exchange has obtained the approbation of the Commander in Chief, is there a minute made of it? Always.

After that are the commissions made out pursuant to that minute? After an exchange, or any commission has obtained the approbation of the Commander in Chief, it is immediately submitted to the consideration of his Majesty; after his Majesty's approbation and signature has been affixed to the paper so submitted, it is sent to the Secretary at War, for the purpose of having commissions made out corresponding to the name placed in that paper previously submitted to the King, and then to be put in the Gazette.

Are the commissions also signed by his Majesty before they are gazetted? No, perhaps I should explain, that they are made out in the war-office after the gazetting; the gazetting is the immediate act following the signature of the King, a notification to the army, that his Majesty has approved of those appointments, and he desires his Secretary at War to prepare the commissions accordingly: they are made out more at leisure.

You will see mentioned in the Gazette the exchange between col. Knight and col. Brooke; when did that exchange receive the approbation of the Commander in Chief? On the 23d of July 1805.

When you say that that approbation took place on the 23rd of July 1805, you refer to some document in your hand; is that any memorandum made in your office? It is.

Is it the course of your office, that, when the approbation of the Commander in Chief is signified, there should be a memorandum made of it? I think I may say invariably.

Was the approbation of the Commander in Chief to this exchange finally obtained on the 23rd of July? It was.

Do you keep records in the office, of all the applications that are made for promotions or exchanges? Yes, I do, very carefully; and every paper of every kind, and every sort, that comes into that office, I preserve with the greatest possible care.

Is that paper which you hold in your hand, the original document which is brought from your office? Yes, it is.

That which you hold in your hand being the original document which you brought from the office, is it also the document to which you just looked, and declared that the approbation of the Commander in Chief was obtained on the 23d? Yes; it is the only paper I have looked at since I entered this House, except the Gazette.

You stated, that you keep an account of all the applications that are made for promotion or for exchange, and that that is preserved in the office? I did state so.

Could you, upon any other occasion, with reference to any other exchange, as you have with reference to this, find the memorandum which denoted the time at which the approbation of the Commander in Chief was procured? Yes, I think I could, with the same facility with which I have put my hand upon this.

Are you able to state who recommended col. K. and col. B. for that exchange? This paper, with your permission, I will read; it will speak for itself.

> Col. Gordon read, and then delivered in, a Letter from Messrs. Greenwood and Cox to himself, dated Craig's-court, July 1st, 1805 (*a*).

Is it your course, upon a recommendation of this sort being put in, to inquire into the merits of the applicants? Most undoubtedly, in every case; but particularly in the case of field officers of regiments.

Is it your course to report to the Commander in Chief the result of those inquiries? Invariably.

When the Commander in Chief has ever drawn a different conclusion upon the facts stated, than that which you have drawn, has it always been his course to assign to you a reason

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(*a*) Brooke's Services.

Cornet, 8 D^{ns} - - - - - -	29 June	93
Lieut. 83 F. - - - - - - -	7 Oct.	93
Capt. Ind. Co. - - - - - -	14 Dec.	93
——— 96 - - - - - - -	25 Mar.	94
Maj. - - - - - - - -	13 Dec.	94
Placed on Half-pay- - - - - -	Mar.	98
B^{t} L^{t} Colo. - - - - - - -	1 Jan.	1800
Maj. 48 - - - - - - - -	24 May	1804
Cancelled - - - - - - - -	9 June	1804
Maj. 56 — - - - - - - - -	5 Jan.	1805

* *C. L. cannot be acceded to, h. r. h. does not approve of the exchange proposed.*

* *23 July 05, h. r. h. does now approve of this exchange.*

Sir;—By direction of gen. Norton, we have the honour to inclose a form, signed by brevet lieut. col. Brooke of the 56th reg. to exchange with brevet lieut. col. Knight of the 5th dragoon guards, together with a copy of a letter from lieut. col. Knight, stating that he is satisfied with the security given for payment of the regulated difference between the value of the two commissions; and being informed the counterpart of the exchange has been sent in through the Agents of the 5th Dragoon Guards, you will be pleased to submit the same to field marshal h. r. h. the duke of York.—We have the honour to be, &c.

Greenwood & Cox.

Craig's-court, 1st July 1805.
L^{t} col. Gordon, &c.

* The words in *Italics* are in Pencil-Marks in the Original.

for that? I think he has; but if he did not, I should most undoubtedly have taken the liberty to have asked him.

Where, in such a case, no reason has been assigned, are you certain that you have always asked him? Most undoubtedly.

In this case, have you any doubt that you made the necessary inquiries upon the representations made to you by this memorial? None, whatever; I am quite positive that I did do so.

Was the ultimate approbation of this exchange the result of those inquiries? I firmly believe so.

Do you firmly believe that it was in consequence of your report to h. r. h.? Yes, most decidedly I do.

If h. r. h., in approving this exchange, had acted otherwise than according to your report, is it possible that that fact could have escaped your memory? It is some time since this exchange took place; but I am much in the habit of transacting business of this kind, and I do not think that it could have escaped my memory.

Would it have struck you as an extraordinary and unusual transaction, if the Commander in Chief had acted contrary to the result that was drawn from the communications made by you, without assigning any reason for it? Unless h. r. h. had assigned a reason for it, it certainly would have struck me as very extraordinary.

Have you any doubt, upon refreshing your memory as well as you can, by all the papers you have, and recalling the facts to your recollection, that the approbation of h. r. h. was gained to this exchange, as the result of the memorial presented to you and the inquiries made by yourself, and communicated to h. r. h.? I cannot doubt it for a moment.

This representation, I observe, is made on the 1st of July, and it is not completed till the 23d; do you find that there was any delay in bringing the business to a conclusion, and that it was at first stopped? Yes, there was; and it was stopped.

Are you now able to state, from your recollection, upon what ground it was at first stopped? To the best of my recollection, it was stopped upon this ground; upon referring to the services of the respective officers, as is invariably the practice, I found that the services of lieut. col. Brooke, for the last seven years, had been upon the half-pay; consequently, it became necessary to make more than usual inquiries respecting col. Brooke, before he could be recommended for the situation of Major to a regiment of cavalry; when those inquiries were made, and I was satisfied that col. Brooke was a fit and proper person, I made that report to the Commander in Chief; and as I have said before, I believe it was upon my report so made, that the Commander in Chief acceded to the exchange.

Are you quite sure that there was no difficulty or rub on the part of col. Knight? I am perfectly sure; if the house will permit me I will read my answer to col. Knight upon this subject.

[Col. Gordon read, and then delivered in, a letter from himself to col. Knight, dated the 21st June 1805—viz.]

"Horse Guards, 21 June 1805.

"Sir; Having laid before the Commander "in Chief your letter of the 19 instant, I am "directed to acquaint you that h. r. h. has no "objection to your exchanging to the Infantry, "receiving the difference; and when an eligi-"ble successor can be recommended, your re-"quest will be taken into consideration, &c. I am

"(Signed) J. W. GORDON.

"B L^{t} col. Knight. 5 Dg^{n} Gd^{s}."

The eligibility, therefore, must have depended upon col. Brooke.

Then I am to understand from you that col. Knight had made an application to exchange, previous to this memorial presented by Greenwood and Cox, in the name of general Norton? Yes, he had.

And that by this letter of the 21st of June, it was signified to him, that his proposal was accepted; that is that the exchange so far as regarded him was accepted, if an eligible successor was found? Certainly.

You are satisfied that the delay arose from the doubt with respect to col. Brooke? I have so stated it.

Have you any doubt that you pursued the necessary inquiries for clearing up that difficulty? None, whatever.

Have you any doubt that the approbation of the Commander in Chief was ultimately obtained, in consequence of those inquiries having cleared up the difficulty? None, whatever; I understood that I had stated that before.

Was there any greater delay in this case, than was necessary for the purpose of prosecuting such inquiries? None, whatever; similar delays occur in similar transactions, almost every week.

Was there any thing, from the beginning to the end of this transaction, which distinguishes it from other transactions of the same sort, relative to the same kind of exchanges? Certainly not; I was much surprised when I heard

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I beg you will be pleased to obtain for me his majesty's permission to exchange with brevet l^{t} col. Knight of the 5th Dragoon Guards.

In case his majesty shall be graciously pleased to permit me to make the said exchange, I do hereby declare and certify, upon the word and honour of an officer and a gentleman, that I will not, either now or at any future time, give, by any means or in any shape whatever, directly or indirectly, any more than the regulated difference.—I have the honour to be, &c.

W. BROOKE.—B^{t} L^{t} col. & Major 56 f^{t}.

To the colonel, or commanding officer, of the 56 regiment.

I approve of the above exchange, and, I verily believe, no clandestine bargain subsists between the parties concerned.

C. NORTON, Colonel.

of the difficulty first started in this honourable house, about three nights ago.

In any conversation that you have had, upon the subject of this exchange, with the Commander in Chief, do you recollect a wish being expressed, that the conclusion of the exchange might be expedited? No, certainly not; the expression of such a wish would have been very futile, for it would not have expedited the exchange one half instant; it would have gone on in the usual course.

(By Mr. Adam.)

Do you recollect instances upon the part of the Commander in Chief, since you have been in office, tending to create a greater expedition than the necessary course of official business permits? Never in the current business of the office. I beg to explain to the house; the common business of army promotions is laid before the King once a week, and never twice a week, when any expedition is fitted out, and that officers are suddenly appointed to such expeditions; then and then only a separate paper is submitted to his Majesty, with their names exclusively, and they are not included in the common weekly paper.

Are the committee to understand, that, in the ordinary course of military promotion or exchange, the office is always permitted to take its course? Invariably; I never recollect an instance to the contrary.

You have stated that col. B. had been for seven years on half-pay; in proportion to the length of time that an officer has been upon half-pay, and consequently been moved out of sight from ordinary military observation, is it not necessary that there should be a much longer period of inquiry to discover what his conduct has been? Perhaps it may be so, but I cannot exactly say that, as I am in the habit of seeing 20, 30 and 40 officers in the army almost every day in my life; and generally, from some of those, I can ascertain particulars respecting any officer I choose, and that without letting them know the purpose for which I require it.

Was the period of time required for this exchange beyond the ordinary period in such cases? Certainly not.

(By the Attorney General.)

Did the Commander in Chief ever state to you, or did you ever hear that he thought that one of these persons, either col. K. or col. B. was a bad subject? I never heard him express any such thing.

Can you take upon yourself to say, that no opinion of the Commander in Chief's, that one of these was a bad subject, was the occasion of any delay in the completing this exchange? Yes, I certainly can; the Commander in Chief is very cautious in expressing himself so strongly on the conduct of any officer: if the Commander in Chief was to express himself so strongly upon the conduct of any officer, I should conceive that there was something in the conduct of that officer that required more than common inquiry.

Then are the Committee to understand, that no more nor further delay took place, than that which was necessary to complete the inquiries, which you thought it your duty to make? Certainly.

As you were in office at that time, supposing the negotiation between col. K. and col. B. to have gone off in consequence of the objection made to col. B., or from any other cause; was it probable that col. K. might have had to wait some time before he might have had another eligible opportunity of making an exchange? Yes, I think he might.

What day of the week is it that the lists are generally sent in to the King? They are commonly submitted by me to the Commander in Chief on Wednesday; they are submitted to the King on Thursday; and if they come back on Friday (which nine times in ten they do) they are gazetted on Saturday; if they do not come back in time on Friday, they are gazetted on the following Tuesday.

Did you keep any memorandum of the inquiries you made respecting the exchange between col. K. and col. B.? None, whatever.

You have stated that the application to the Commander in Chief for this exchange was communicated on the 23d of July; when was that application to the Commander in Chief submitted for his Majesty's approbation? The date is accurately marked upon the original paper: it was submitted to the King upon the 24th, as you will find, by reference to the paper on the table.

When did it appear in the Gazette? The Gazette is dated July 30th.

Then the approbation of the Commander in Chief was signified seven days before it appeared in the Gazette? Allow me to mark this distinction: the approbation of the Commander in Chief is never signified to any body, until the king's pleasure has been subsequently obtained upon it.

I understood the Commander in Chief consented to this exchange on the 23d; that on the 23d it was known to you; that you then prepared the proper communication to be laid before his Majesty, but that communication was submitted to his Majesty on the 24th; that on the 24th his Majesty signified his approbation, and that it did not appear in the Gazette till the 30th, being seven days after the Commander in Chief had given his consent, and six days after his Majesty had confirmed that consent? Exactly: I beg it may be understood, that after his Majesty's signature is affixed to a paper of promotions, it is part of my duty to make such of them public as may be necessary. The Gazette is a notification, but it is not a ratification; the thing is finally done before it pears in the Gazette.

You have stated, that being in the habit of seeing twenty, thirty, or more different officers, every day, you take a proper opportunity of collecting from them the character and conduct of those whom you see occasion to inquire into; is it your habit to make minutes of the result of those enquiries? There scarcely a day passes over my head that I have not occasion to obtain information of that nature; but to make a minute of it would be absolutely impossible, I mean to any extent: I could not carry on the business.

Between the first of July, when the application was made on behalf of col. B., and the 23d, when it received the sanction of the Commander in Chief, did any conversation pass between yourself and the Commander in Chief, otherwise than that which originated in your addressing yourself to the Duke upon the subject in the ordinary course of office? To the best of my recollection, certainly not; I speak more decidedly upon this point, because I am in the habit of laying numbers of papers before the Commander in Chief, and of confining my conversation strictly and exclusively to the matter before us.

If his Majesty's approbation was received on Wednesday, why was it not notified in the Saturday's Gazette? I think I have said before, that if the papers were returned from his Majesty in time, it would have been gazetted on the next day; I take for granted, therefore, that they were not returned in time.

What space of time was there between your making your report of the inquiries made by you respecting col. B., and the D. of Y.'s directing you to make out the necessary papers for the king's inspection? I think I have stated that I received the expression of the Commander in Chief's pleasure on the 23d; the papers were made out for his Majesty on the 24th.

What time elapsed between your making the report of the inquiries respecting col. B. to the Commander in Chief, and the Commander in Chief giving his consent? A reference to the paper on the table will explain the dates.

Did you make your report on the same morning that the Commander in Chief gave his consent, and directed you to make out the necessary papers? I beg pardon, but I do not comprehend that question.

When did you state the result of your inquiries respecting col. B.? I have already stated, that I made my report to the Commander in Chief on the 23d, and received his pleasure upon it.

Upon casting your eye over the Tuesday's Gazette, can you tell whether there are any promotions or exchanges in the Tuesday's Gazette which received his Majesty's approbation at the same time as the exchange in question? I beg to state, that I firmly believe it is the usual practice, at least, that every exchange, and promotion, and appointment, went in the same paper before the King.

Colonel Gordon's examination here concluded.

The *Chancellor of the Exchequer* was anxious to know what course the hon. member who had brought forward this question intended to pursue. He trusted the hon. gent. would be ready to bring forward his next charge on Friday. Indeed, he was aware, after what had already transpired, the examination of the other Witnesses could not be drawn into any great length. At all events, it was most desirable that no unnecessary delay should intervene.

Mr. *Wardle* was as desirous as any gentleman could be, that the business might be proceeded in with every possible dispatch. It would however be necessary for him to wait the arrival from Spain of several essential witnesses, among others capt. Huxley Sandon, and maj.-gen. French. Indeed, he could not well say when they might arrive, as no return having been made of the killed and wounded, it was even impossible to say whether they were living or not.

Lord *Castlereagh* observed, that by sending the names of the officers intended to be called as witnesses, to the war-office, it might easily be ascertained whether they had arrived or not, or whether it was likely they might soon arrive.

Mr. *S. Bourne* could not forbear expressing his surprise and regret that any hon. member should have been so precipitate in giving notice of a motion, and in laying down the grounds of it, before he had ascertained whether the witnesses which were to be called to substantiate his charges were or were not in readiness to attend. Was it of so light and inconsiderate a thing, to insinuate such serious charges against any individual, much less an individual of the high rank and station of the Commander in Chief, without having the immediate means of proving whether they were well founded or not?

Mr. *William Adam* contended, that no man had ever been exposed to a case more severe and cruel than that in which the hon. gent. had so hastily involved his royal highness the duke of York. Where was the urgent haste which impelled the hon. gent. to give notice of a motion, containing such grave matter of accusation against so exalted a personage, before he knew whether the evidence he was to call, in proof of his charges, not only were in the country, but even whether they were in existence or not? Could any thing be more cruel than that calumnies should remain upon the characters of those who perhaps had fallen in their country's cause, and upon him who had promoted them, without perhaps any opportunity ever occurring, when the reasons of such promotions might be honourably explained and justified. Was there no charge respecting which the hon. gent. might be prepared to proceed in on Friday? The Commander in Chief was as liable, and as ready, as any man to have his conduct inquired into; but was it to be endured that the second personage in the kingdom should thus be condemned to have such grave charges hang over his conduct and character, without the possibility of bringing them to a speedy examination? Let the hon. gent. now state distinctly in what charge he was prepared to proceed on Friday next. If the officers he had named were not yet arrived, it was well known that many of the other witnesses he had named in opening his motion were now in London: Why not, therefore, proceed without delay to have their evidence before the house? Major-General French might possibly have gone to the West Indies; Capt. Huxley Sandon might be no more. Where, then, would there be left any thing to balance the charges brought against his royal highness? In candour, in justice, in every principle of fair dealing, such delays should not be tolerated; indeed, the hon. gent. must be ignorant of parliamentary proceedings, not to have known that he should not have stirred this question without being fully prepared to bring it to an issue. Why, then, did he not consult some gentleman who was more conversant with such matters, and not thus act with such injustice towards the Commander in Chief, even to the interruption and detriment of the public business?

Mr. *Wardle* said, that he was not aware of the delay, and that he never intended any. He should do all in his power to accelerate the business, and would be ready to bring forward the case of captain Maling on Friday.

The chairman then reported progress, and the House being resumed, it was ordered that the hon. gent. do further proceed in his charges on Friday next.

HOUSE OF COMMONS.

Thursday, February 2.

[Conduct of the Duke of York.] Mr. *Wardle* expressed a hope that he should be permitted to-morrow to examine some further evidence upon the points under consideration of the Committee yesterday. He asked leave at the same time to correct an answer he had given yesterday to the question of an hon. member through mere error of memory. He had stated that he saw Mrs. Clarke but once on the evening of Tuesday last, forgetting at the same time that he had seen her also on the morning of that day for about two minutes.

The *Chancellor of the Exchequer* said it was competent for the honourable gentleman to explain the circumstance in his place.

Mr. *Wardle* moved, that a proper person from the office of the Secretary to the Commander in Chief, do attend this house to-morrow with the books containing all applications made by subaltern officers to purchase promotions, within the period that three commissions were given to captain Maling.

The *Chancellor of the Exchequer* had no objection to the attendance of any person from the office of the Commander in Chief; but he thought the house ought not to be too prompt in making orders for the production of such books, without knowing whether such were in existence.

[Sir Arthur Wellesley.] Mr. *Whitbread* rose to repeat a question he had asked on a former night, in the absence of a gallant officer, now in his place, but to which he was not then able to obtain any satisfactory answer. He wished, therefore, to learn, from the gallant officer opposite to him, whether, while he was fighting the battles of his country on the continent, he still continued to hold the appointment and salary of Secretary to the lord lieutenant of Ireland?

Sir *A. Wellesley* said it undoubtedly was the wish of the noble personage now at the head of the Irish government, that no one should be appointed to that situation during his absence. It was certainly in the power of the noble duke to appoint some other person to fill that situation, if he had chose, during his absence; and he was prepared to expect it would have been done, had his absence continued much longer. But from personal kindness to him, the noble duke certainly retained his name in that situation while he went abroad with the army; and during the two months he was absent, he certainly received part of the salary of that office; but then there was some part of that time for which he did not receive the full pay attached to his military situation; and every man who considered the nature of that situation, must be aware, that it was liable to very heavy increase of expences, which he did not feel himself in a condition to afford.

Mr. *Whitbread* said that although he did not wish to trouble the house with any observation on the subject, yet he should feel it his duty on a future day to submit a resolution to the house, "That the office of "chief secretary for Ireland was an efficient office."

[Militia Enlistment Bill.] Lord *Castlereagh* rose to move the order of the day, for the second reading of the Militia Enlistment bill: but as this bill differed nothing in principle from the bill of last year, and as he had so recently given his opinion at length upon its various details, he should abstain from troubling the house in this stage by repeating those opinions, but reserve himself for any objections that might be offered to it.

Mr. *Elliot* wished to know the rate of bounties proposed by his noble friend.

Lord *Castlereagh* answered from six guineas to eleven.

Mr. *Elliot* expressed his great reluctance in opposing any bill having for its object to place the public force of the country on that respectable footing on which it ought to stand. His objection, however, was to the system on which the bill was founded. He should not detain the house by going minutely into all its details, but should confine himself to its general heads. It afforded a striking lesson to the house and to the country, of the evil consequences of adopting a bad precedent. Heretofore, previously to the introduction of a similar bill, there was much of detail and preparatory communication with colonels of regiments. But the former measure of his noble friend being adopted, he relied that in this too he should be successful. His majesty's speech, at the opening of the session, certainly recommended to parliament every attention to an increase of the disposable army of the country, without impairing the means of home defence; but he thought it was impossible to attempt the former by means of this bill, without materially injuring the latter. He did not condemn the colonels of regiments for their anxiety to adopt the readiest means for filling up the ranks of their corps; but he did most decidedly condemn the principles of a bill, the operation of which would inevitably tend to the dissolution of all discipline both in the regular army and militia, as well as to the injury of morality throughout the country; for such would be the effect of high bounties given to the recruits from the militia to the line, and to the substitutes who were to fill their places in the militia ranks: the necessary consequences of which, as experience had shewn, would be intoxication and riot: such effects could not fail to produce disgust in both army and militia, and to exclude from both, as it had already done, officers of that class and description, which should characterize the service. So long ago as the peace of Amiens, he was decidedly of opinion that the militia of the country ought to have been reduced to its original standard as a maximum; and it was now found that a departure from that principle, ever since the commencement of the present war, had involved the country in all the evils which had been suffered under the militia system, viz. the oppressive effects of ballots upon the people, the enormous increase of bounties to substitutes to so high a rate as 18*l.* 20*l.* and even 30 guineas; the severe effects of this upon the balloted men who could not leave their homes and families to serve; the profligacy produced amongst the men who became substitutes; the constant temptations held out to them to desert from one regiment, in order to obtain the bounty in another; the heavy punishments for desertion widely increased, and such impediments thrown in the way of the regular recruiting service as to render almost impracticable the raising of men for the regular service, even at triple the usual bounties. He recollected the former plan proposed by Mr. Pitt, of which that minister was so fond, that it was deemed by his friends an infallible specific to increase the army of the country, a kind of talisman, which, if any man touched, the enchantment was to be dissolved. But no sooner had his noble friend come into power than he totally departed from that plan, and resorted to the supplementary militia, from which all the mischiefs of increased bounties took their rise. By the present bill, the militia officers were required to recruit at a bounty of ten guineas, for which it was obvious that under the increased system of bounties, men could not be had. But, then, his noble friend had an expedient to let out, a little ballot, in case the bounty should fail, to be inflicted on the county where the quota of men could not be induced to enlist within a given period; and, then, as a remedy to the balloted man, who could not find a substitute at half price, the ten guineas were to be given in aid. But this ballot at the expence of our own defence? It was necessary for the house to take care that it should not be committed to the discretion, or rather the indiscretion of any man. After the experience we had had, who could say that an unbalanced army was the best means of defence? The hon. gent. then placed in a strong point of view the injury to the militia service by this mode of proceeding. It had a tendency to produce disorganization and disgust in the home service, and to preserve all this when created. He adverted to the permanent, admirable, and deeply founded system of his right hon. friend (Mr. Windham), and observed, that it was impossible to discuss such measures as this, without taking that system into view. All circumstances that bore upon the question were to be considered, and upon the whole, he thought that this system of expedients was the most insufficient and burthensome that could be resorted to.

Mr. *Lockhart* said, that the events which had taken place might convince us, that we ought not to trust to a mere defensive force, of whatever description; whether armed peasantry, local militia, or even militia. All systems were liable to objection; but the question was, whether this was not the best that could be adopted at present? He never understood, that the plan of the right hon. gent. (Mr. Windham) had been abandoned: but, at the same time, it was not sufficient for procuring an immediate supply, which was what was now wanted.

Lord *Castlereagh* said, that although the house was pledged to the throne on the principle of increasing the army, yet the best mode of carrying that principle into effect was certainly a very fair matter for discussion. He, for his part, must support the plan which he had presented, and which appeared to him likely to increase considerably the disposable force, without at the same time impairing the defensive strength of the country. An hon. gent. had stated, that he objected to the increase of the disposable force, until there was an administration more capable of wielding it with advantage to the country. This was certainly no objection to the measure itself; for if the hon. gent. would point out to the house who these men were who would manage the strength of the empire with greater ability, and more to the public advantage; if that hon. gent., and his friends, who were sitting around him, were to form that new administration, still they should be obliged to his majesty's present ministers for making such an increase of the disposable force as would give their successors in office a greater power to wield, without incurring the odium of creating it. His majesty's ministers would be liable to a serious charge against them, if, thinking as they did of the necessity of increasing the army, they were yet to abstain for months from a measure they conceived necessary to the state, and not to bring it forward until they had the verdict of that house upon the several parts of their administration which were to be the subject of future discussion. He allowed that it was the bounden duty of ministers, when they came down to the house, to propose any measure that would increase the pressure upon the country, to point out an adequate necessity. Ministers had always two objects in view, in the measures which they proposed for augmenting the army. The first was to increase the disposable force; and the second was, to take care that the defensive force should be so strong as that the country should not be exposed to peril and danger from the manly exertions which his majesty's government might feel it their duty to recommend for the assistance of other nations. Whatever was the present appearance of the probability of success to the cause of Spain, yet as the principle was agreed to on all sides of the house, it followed, that whether any or what portion of our army was to be sent to the assistance of Spain, was a pure military question, which was only to be determined by the executive power. If ministers should afterwards appear to have given improper advice, or to have mismanaged the military means of the country, they were subject to a heavy responsibility; but he could not think the gentlemen on the other side would really wish to tie up the hands of the executive, and deprive it of all means of acting as circumstances might render necessary, merely from the fear that it might be advised to act wrong, or to make an imprudent use of its strength. He could not believe that the gentlemen on the other side could suppose that they saw their way so clear in respect of the war in Spain, as to say that circumstances might not occur which would make it the bounden duty of this country to give the most powerful assistance to the Spanish Patriots. It was his firm opinion, that while the people of

Spain were true to themselves and to their own cause, it was not only the interest of this country, but the pledged duty of parliament, to support them. He did not mean to say, that we were now to embark in wild military speculations that had no chance of succeeding; but it was still his opinion, that if the Spanish people continued to display that energy which they had shewn not many months ago, the struggle in that country was by no means at an end. But supposing that struggle to be now completely at an end, did not other views open to the mind of the hon. gent., and shew the necessity still of increasing our armies? Were we to suppose that no occasion could ever after occur in which they might be wanted on foreign service, or that the exertions of mankind were for ever to be tied down by the tyranny and usurpation of one individual? If no field of action presented itself in Europe, British interests might call them for the defence of another part of the world; while, at the same time, we must keep an invincible army on our own shores to protect them from danger and from insult. He hoped that these considerations would be considered as sufficient arguments for the general principle of increasing the disposable force. He believed an hon. gent. on the other side had fallen into a great mistake in stating the diminution of the army in the present year, and he believed the mistake arose from the artillery being included in the return of the last year, who were not included in the return of the present. In considering how the army was at present organized, there were 126 battalions of infantry, whose numbers exceeded 600, and there were 56 that fell short in number. It was well known that battalions, not amounting to 600, were considered inefficient, and not fit for service, and that the efficiency of the army depended a great deal on the battalions being full and complete. If this measure obtained 27,000 men, it would complete all the battalions of our infantry up to 900 men. There never was, perhaps, a more efficient army for its number, than that which was lately acting upon the continent. In Portugal there were about 29,000 men in 32 regiments; if there was now a deficiency in the fulness of our battalions, from the losses of that campaign, it was absolutely necessary that it should be repaired. This was a measure which would not only increase the disposable force, but ameliorate the internal organization of our army, and prevent the country being burdened with inefficient second battalions.—He should next advert to a former topic, namely, the comparative merit of the plan of a right hon. gent. (Mr. Windham), and the experiment which he had thought it proper to make, of allowing men (if they pleased) to enlist for unlimited service. Now, if the gentlemen on the other side contended, that experience had decided in favour of the theoretic principles of the right hon. gent. he thought he could account for the result. His experiment had, in fact, been only tried for the last six months. For the first eight months of the time the gentlemen began their calculation, it was contrary to law for men to enlist for unlimited service, and therefore all the recruits which were got were for the limited service. For several months after it was lawful, it did not appear to be generally understood in the army. It was not till the last six months that any had begun to enlist for unlimited service. The first month only 12 men enlisted for unlimited service; but as the thing became understood, the number progressively increased. In the month of December, no less than 970 preferred the unlimited service. Of the last 1,400 recruits which were raised, about 1,100 chose the unlimited service; so that, instead of his experiment having failed, he thought it was evident that men preferred generally the unlimited service to the limited, and the profession of a soldier to the seven years service, which looked more like a trade. He had been twitted with its being an Irish discovery, perhaps suited to the temper and spirit of the Irish nation, but not adapted to this country or its more sober neighbour, Scotland. The event, however, did not justify this charge, as he was always much more disposed to rest his arguments on experience and facts, than upon abstract principles of philosophy. He was perfectly convinced that there was no other rational ground for the system of the right hon. gent., than that it was likely to produce more men; for it never could be said that it was likely to improve the discipline of the army. He was so far from rejecting the system altogether, that he by no means wished to exclude men from entering for limited service, being convinced that there were many men who would prefer this mode of enlistment; but as he was equally convinced that there were many others who would prefer the enlisting for unlimited service, he thought it but fair that they should be allowed their option. He wished to carry along with the more perishable materials of an army, as much as he could get of permanent. The fact about the number of recruits was, that, whatever was the system, the country regularly produced about 1,200 men a month. How the number came to be so exact, he could not say. Recruiting serjeants might often put grave legislators to the blush, and there was a certain recruiting law which that house did not understand, and which perhaps got the men better than acts of parliament. Even in the halcyon days of high bounty, and no ballot, it was not found that the number of recruits exceeded the regular number by 100 men, nor under any other system did they fall short to that amount.—It had been mentioned, that large armies were dangerous to civil liberty. Gracious God! could any rational man now suppose, that the liberties of this country were in any danger from any regular army that it was judged proper to raise, balanced as that army must be by an immense force of Militia, Local Militia, and other armed descriptions of force, and still more balanced by those constitutional feelings which animated no description of his majesty's subjects more strongly than it did our gallant armies, which had so often and so recently acquired immortal honour for themselves and their country. He trusted the house would not be discouraged by the present aspect of affairs, but that they would see the necessity of increasing rapidly our disposable force.

Earl *Temple* said, that the noble lord had now shewn us the nature and spirit of the measure, for the transfer was not now made on an emergency, but in contemplation of an emergency. So that this was now to become a regular system from year to year. This, he said, was a very bad mode of increasing the regular army, and as a regular system, he had the strongest objection to it. His lordship also defended the plan of his rt. hon. friend (Mr. Windham), and stated, that when the noble lord laid his cold fingers upon it, it was producing at the rate of 24,000 a year, instead of the 13,000 produced by the noble lord; and out of the 27,000 that volunteered from the Militia, 20,000 were for limited service at a lower bounty.

The Bill was then read a second time.

HOUSE OF LORDS.

Friday, February 3.

[Spain and Portugal.] Lord *Erskine* rose to make the motion of which he had given notice, for accurate returns of the number of officers and men belonging to the infantry, the cavalry, and the artillery, who had been embarked at different ports of this country and Ireland, for Spain and Portugal. He also wished to have an account delivered in of the expenditure, under the different heads, of money, arms, clothing, &c. which had been sent at different times to the Spanish patriots. Also an account of the horses, waggon train, &c. He likewise wished to have a return made of the men, horses, artillery, &c. that had been relanded not in a disabled state, from the different ports of Spain. As the noble lord understood there would be no objection to the returns he called for, he should merely trouble the house with moving for them. The noble lord then proceeded to move, "That an humble address be presented to his majesty, praying that his majesty would be graciously pleased to give directions that these different returns be laid before the house."

The Earl of *Liverpool* had no objection to the motions of the noble lord. He only wished him to bear in mind, that accurate returns, such as the noble lord has called for, could not be immediately forthcoming. It must be some time before the different regimental returns could be regularly made; and he only rose to state, that whatever delay might occur, should not be imputed to any unwillingness fully to meet the object of the noble lord's motion.

The question was then put on each of the motions, which were agreed to.

[Portugal.] The Earl of *Buckinghamshire* rose, not for the purpose of bringing forward the motion of which he had given notice for this day, but to express a wish that he might be permitted to withdraw it for the present. He had received information from different quarters, which he feared was but too correct, that the French had re-entered and re-occupied Portugal. It was for his majesty's ministers to say whether such was the case or not, for they no doubt must have received advices of such an event. It was of the utmost importance in his mind that Portugal should be restored to its legitimate government, for should the enemy get permanent possession of the posts of Portugal, and of the fortresses of that country, it would be no easy matter to calculate the dangers that must arise from such possession, both to the interests of Spain, and to the security of these kingdoms. He should not now press the discussion of these points, but wait till the real state of Portugal should be accurately ascertained.

The Earl of *Liverpool* rose, not to detain the house for any time on the topics alluded to, by the noble lord; that indeed would be irregular, as there was no motion before the house; but merely to state in answer to the noble lord's question, that his majesty's ministers had received no account of the French having re-entered and re-occupied Portugal. He was as deeply impressed as the noble earl could be, with the importance of Portugal, in the hands of an ally to this country, and with the dangers that might arise from its falling into the hands of an hostile power. He should only say, that on all occasions, he should be ready to furnish any information in his power on that interesting subject, as were his majesty's government, to enter into the fullest discussion and investigation of every point, connected with matters of such importance.

HOUSE OF COMMONS.

Friday, February 3.

[Navy Estimates.] Mr. *Ward* moved that 130,000 seamen should be employed for the year 1809, including 31,400 royal marines, which were voted accordingly. The hon. gent. then stated, that the Estimates for this number of seamen and marines were precisely the same in amount with the estimates of the last year, though it had been thought desirable to make some alterations in the comparative amount of some of the branches. The allowance for wear and tear was last year taken at three pound per man, whilst the provision for victuals was estimated at 1*l.* 19*s.* only per man per month. The latter estimate had been found to fall greatly short of the actual expenditure, whilst the wear and tear fell considerably below the actual estimate. The committee would therefore be aware of the propriety of endeavouring to reduce both to an amount that should be nearest the truth, and this he proposed to accomplish by taking a guinea from the allowance for wear and tear, and adding to the allowance for victuals. The following sums were then moved by Mr. Ward, and voted by the committee: For wages for 130,000 seamen and marines for thirteen months, at 1*l.* 17*s.* per man per month, 3,126,500*l.* For wear and tear of ships for ditto during the same period, at 1*l.* 19*s.* per man per month, 3,295,500*l.* For victuals for ditto during the same period, at 2*l.* 19*s.* per man per month, 4,985,500*l.* The hon. gent. then observed, that the house would learn with satisfaction, that the number of seamen now serving in the navy, covered entirely, if it did not exceed, the number which the committee had just voted.

On the question that a sum of 591,600*l.* should be voted for Ordnance for the number of men voted,

Sir *C. Pole* could not suffer this subject to pass, without expressing a hope, that his majesty's ministers entertained a disposition to regulate the course of proceeding at Doctors' Commons. It was his opinion, that the offices of king's advocate and king's proctor ought to be divided. He did not mean to object to the vote of any sum for the navy; but he must add, that he should like to see those who were to manage the expenditure of it, such as ten commissioners of the navy and of victualling, selected from amongst naval men. The practice, as well as the whole system of selecting officers of the army for such offices, he deemed altogether improper, as the appointment of persons not acquainted with naval affairs, to such situations, could not but be most mischievous. In the estimates then under consideration, he lamented that he did not see any provision made for the protection and support of the orphans of marine officers, and hoped that before the end of the session, some establishment, corresponding to the Compassionate Fund for the army, should be instituted for the navy. This he looked upon as a proper time for mentioning the subject; and if it should not be taken up by his majesty's ministers, in whose hands it most properly ought to be left, he should feel it to be his duty to submit the matter to the house in the course of the session.

The sum was then voted; after which, on the motion of Mr. Huskisson, two several sums of 10,500,000*l.* and 1,500,000*l.* were voted to be raised by exchequer bills, to pay off similar sums of exchequer bills issued last session, and now outstanding and unprovided for.

[Conduct of the Duke of York.] Mr. *Wardle*, previous to going into the Committee of Inquiry into the Conduct of his royal highness the Duke of York, wished to correct the error to which he had alluded yesterday, in his former evidence.

The *Speaker* informed the hon. member, that the time for offering any thing relevant to his former evidence, would be, when the house should have resolved itself into a committee. The matter then immediately before the house, was the notice the hon. gent. had yesterday given, of a motion for certain Papers or Books, from the Office of the Commander in Chief.

After a short conversation, which led to the omission of a part of Mr. Wardle's original motion, the following motion was agreed to: "That the proper officer from the Office of the Commander-in-Chief do attend the Committee of the whole House, appointed to inquire into the Conduct of his royal highness the Duke of York, with the Book containing the Applications for Purchase by Subaltern Officers, within the period in which Captain Maling had his three Commissions given to him."

The house having then resolved itself into the Committee, Mr. Wharton in the Chair,

Mr. *Wardle* begged to call the attention of the committee to the correction he had to make of his former evidence. He had on the former night stated that he had not seen Mrs. Clarke on Tuesday morning, though he had waited a considerable time in her drawing-room for the purpose of seeing her. On recollection, however, he found that it was on Monday he had waited a long time in the drawing-room, and that on the morning of Tuesday he had seen Mrs. C. for a few minutes, as well as in the evening, as he had before stated.

The *Chancellor of the Exchequer* observed, that in the explanation of the hon. member, there was some ambiguity, in as much as the words "as I before stated" might be construed to the correction of the former evidence now first given as well as to the former statement of the honourable gentleman.

Mr. *Wardle* declared that he meant the words "as I before stated" to apply solely to the interview which he had with Mrs. Clarke, for a few minutes in her drawing-room, on Tuesday evening, and which he had stated in his former examination.

On the suggestion of the Chancellor of the Exchequer, the questions and answers relative to Mr. Wardle's interviews with Mrs. Clarke on Tuesday, were read from the notes of the short-hand writer, from which it appeared, that in his former examination Mr. Wardle had fallen into an error, which he had in this instance corrected, namely, by stating that he had not seen Mrs. Clarke at all on Tuesday morning. The admission therefore, that the hon. member had seen Mrs. Clarke on the morning of that day, was added to his evidence, but in order to avoid ambiguity, the words "as I have stated before" were expunged.

EXAMINATION OF G. L. WARDLE, ESQ.

(By the Chancellor of the Exchequer.)

You were at Mrs. Clarke's, as you state, on the Tuesday morning? Yes.

And saw Mrs. Clarke? Yes.

Was Mrs. C. at home when you called? I believe she was up stairs.

How long might you be at her house before you saw her? I do not think very long. A short time.

How long did you stay there? I cannot speak very correctly; it is impossible for me to say exactly; perhaps half an hour or thereabouts. I believe I was in my carriage; but I am not certain.

You came there in your carriage? I think so: but I am not very positive. I have been so constantly in the habits of going there that it is impossible for me to say: but I rather think I was in my carriage.

Do you recollect how long you were there? Upon my word I do not, or else I would answer most fully; but to say positively that I can name a time, it really is not in my power.

At what hour of the day did you go there? Upon my word I cannot exactly say; I think the first time I saw Mrs. C. on Tuesday was early in the morning.

About what time? Upon my word I do not know the hour; but I remember going down in her carriage with her to the end of the King's Road.

On the Tuesday morning? Yes, on the Tuesday morning.

You called upon her in the morning? Yes.

At what time in the morning did you call upon her first? It was after breakfast; I should think about eleven or twelve o'clock. I do not speak positively.

Was it at that time you called upon her in your carriage? No, it was not; I think I walked there.

How long did you stay with her on that occasion when you called there, having walked there? To the best of my recollection, there were a parcel of workmen putting up looking glasses, and things of that kind, in the house: and I do not think I was there more than a short time.

Half an hour? Upon my word I cannot say; if it is of any consequence, I will endeavour to recollect. I rather think to the best of my recollection, but I speak without certainty to these points, that her carriage was at the door, I am not certain.

Did you go out with her in her carriage? I did.

On that morning? Yes, as far as the bar at the bottom of the King's Road.

Did you call upon her afterwards in your carriage on that day? I think I did in my carriage. I called upon her that day.

At what time did you call upon her in your carriage? I really cannot exactly say; I should think it might have been three o'clock. I do not speak to an hour, but, as far as I can recollect, that was the time. It has since occurred to me where I had been; I had taken a long walk, and returned and went to her house in my carriage.

Did you see her when you called upon her in your carriage? I did.

She was at home then? I think she was up stairs, and came down soon.

Then Mrs. C. saw you the second time? She saw me the second time.

Do you recollect how long you staid with her the second time? I do not think long: I should think about half an hour: I do not know whether it was so much. I cannot be positive as to the time.

Then I understand you to have said, that you saw her a third time in the evening? As I have before stated, I saw her at night in her drawing-room, with some company, for a very short time.

You called upon her the morning before; the Monday? I did.

Mrs. C. was not at home then? She was not at home; and I was under a mistake on the former night, in supposing that what occurred on the Tuesday, had happened on the Monday.

Did you see her at all on the Monday? As I was coming away, having waited about two hours, she came in after driving about in town.

Did you stay any time after she came in? No, I did not; I came away immediately.

Then both on the Monday and on the Tuesday you had seen her in the course of the morning? As I have stated, I saw her for a very short time, just as she came in on the Monday.

On the Tuesday, had you any conversation with her on the subject of these charges? I do not really recollect that I had; positively no pointed conversation at all.

Did Mrs. C. first mention this subject of the charges against h. r. h. the duke of York to you, or did you first mention it to her? I fancy in the first instance I asked her questions respecting them.

Do you recollect from whom you first derived your information on this subject? To say from whom is totally impossible. I could not, with propriety, state many of the names.

Have you received the information from Mr. Finnerty? I never received any information from Mr. Finnerty in my life upon this subject. Within these few days he spoke to me, but not any information respecting these charges. I did not know Mr. Finnerty, and as to his giving me any information, he never did. Within these few days, Mr. Finnerty spoke to me respecting Dr. Thynne; I believe the very day before Dr. T. was examined. I think it necessary to add that when major Hogan's pamphlet was published, on seeing the matter held out there, of information being ready to be given to any member of parliament who asked for it, I wrote a letter addressed to major Hogan, and, in consequence of that letter, I had an interview with Mr. Finnerty, I put some questions to Mr. Finnerty, and I found, or at least, I had every reason to believe, that he had not any information at all upon the subject; and none did he give me. I never had any information whatever from Mr. Finnerty that led to any charge which I have made. I never, to my knowledge, saw Mr. Finnerty in my life till he came, in consequence of my letter to major Hogan, and then I had not any information from him, which led to the charges I have made.

(By Mr. Yorke.)

When was it that you saw Mr. Finnerty, in consequence of your letter to major Hogan; was it before or after the communication respecting Dr. T.? The communication respecting Dr. T. occurred in this lobby, or near it: I believe the night Dr. T. gave his evidence. It was some months ago when I applied by letter, perhaps a month after the publication of major Hogan's pamphlet.

(By Mr. S. Bourne.)

Was the day, on which you now recollect to have seen Mrs. C. three times, the day before your last examination? I have before stated, that I was led to believe, that what occurred on the Tuesday had happened on the Monday; as soon as I got home from this house, I made some enquiries that set me to rights on that subject, and I took the earliest opportunity yesterday of communicating, in this house, my mistake to the right hon. gent. the Chancellor of the Exchequer, and to the right hon. gent. the Speaker.

Are you certain that the day on which you now recollect to have seen Mrs. C. three times, was the day before your last examination? Yes, it was on Tuesday last.

EXAMINATION OF WILLIAM ADAM, Esq.

William Adam, esq. a Member of the House, attending in his place, was examined, as follows:

(By the Attorney General.)

Have you the letters to which you referred on a former evening? I wish to state that I have a letter dated Sunday morning, June 19th, without any year; it is indorsed in my handwriting, June 19, 1808. I have another letter dated Saturday morning, without any day of the month; I have not, I observe, put any indorsement of the day of the month or of the year upon that letter, but it will appear that that of the 19th of June 1808, was the first, and that dated Saturday was the second letter, When those letters were the subject of examination on a former evening, I wished to be possessed of them in order to have produced them. I had it not in my power to produce them then, not supposing that such a subject would be alluded to; I have now produced them.

[The following Letters were read.]

"Sir; On the 11th of May 1806 you waited "on me, by the desire of his royal highness the "Duke of York, to state h. r. h.'s intention of "allowing me an Annuity of 400*l.* per annum. "H. r. h., by his promise, is now indebted "to me 500*l.* I have written repeatedly, "but of no avail. H. r. h.'s conduct towards "me has been so devoid of principle, feeling, "and honour; and as his promises are not to "be depended on, though even given by you; "I have come to the determination of making "my intentions known to you, for the consideration of h. r. h.; and thus it is:—I solicit "h. r. h. to make the Annuity secure for my "life, and to pay me the arrears immediately, "as my necessities are very pressing (this he "knows.)—If h. r. h. refuses to do this, I have "no other mode for my immediate wants, than "to publish every circumstance ever communicated to me by h. r. h. and every thing "which has come under my knowledge during "our intimacy, with all his letters; those things "amount to something serious: He is more "within my power than may be imagined. "Yet I wish for h. r. h.'s sake and my own, "that he will make my request good, as I "know full well I should suffer much in exposing him in my own mind; yet before I do "any thing publicly, I will send to every one "of h. r. h.'s family, a copy of what I mean to "publish. Had h. r. h. only have been a little "punctual, this request had never been made. "One thing more: should h. r. h. throw up "his protection to my boy (for I thank him "much for the past) I hope he will place him "on the foundation of the Charter-house or "any other public school: the child is not accountable for my conduct. You will please "then, Sir, to state this communication to the "Duke of York; and on Wednesday I will "send to your house, to know what may be h. "r. h.'s intention; which you will please to signify by a letter to

"Your most obedient, humble servant,
"M. A. Clarke."

"Sunday morning,
"June 19.

"His royal highness must feel, that his conduct on a late affair deserves all this from "me, and more."

"William Adam, esq.
"Bloomsbury-square."
"Private."

Indorsed
Mrs. Clarke,
19 June 1808.

"11, Holles-street,
"Cavendish-square.

"Sir; On Wednesday, finding there was "not any answer to my letter, I am led to "enquire, h. r. h. the D. of York, thinks proper not to make good his promise given by you, "and that you encourage him in it.—I have "employed myself since, in committing to "paper every circumstance within my recollection during the intimacy of h. r. h. and myself. The fifty or sixty letters of h. r. h. will "give weight and truth to the whole. On "Tuesday I have promised to give these up, "if I hear nothing further after this last notice; "and when once given out of my own possession, it will be impossible to recall. It "is to gentlemen, and not any publisher, they "will be committed; and those gentlemen "are just as obstinate as h. r. h., and more "independant: they are acquaintances of "your's; and to relieve my wants, in pique to "others, will do what the Duke will not: however, he has it all within his own power, "and so he may act as he pleases.

"I am, Sir, Your most obedient,
"M. A. Clarke."

"Saturday morning.
"William Adam, esq.
"Bloomsbury-square."

Were those the two letters that the witness alluded to in her examination? They must have been the two letters that she alluded to, because I am confident I never received any other letter from the witness, unless that I received a very short note of a few lines; I rather think I did, but I am not possessed of that.

Did h. r. h. ever betray any apprehension to you as to any thing which the witness could communicate respecting h. r. h.? Never at any time, or on any occasion.

Did you communicate the contents of these letters to h. r. h.? I did.

Did you show the letters themselves, or state the full contents of them? I shewed the letters themselves, and h. r. h. perused them in my presence.

After you had communicated those letters to h. r. h., and shewn them to him, did he betray the slightest apprehension of any thing the witness had in her power to communicate? Not the slightest.

Did h. r. h. deny that there was any thing that could be published against him? I cannot be precise to the words which h. r. h. might have used; but I can say with confidence, that h. r. h. expressed himself as not at all apprehensive respecting any thing which could be published.—I wish to state, that the boy referred to in Mrs. C.'s letter is not any boy of the D. of York's.

The *Attorney General* then desired the proper persons to ascertain whether Mr. Few was in attendance. He stated that his object was to contradict that part of the evidence of Mrs. Clarke, in which she had said that she never represented herself as a widow, while she lived in Tavistock-place. He believed, he would prove that she had represented herself to the tradesmen in the neighbourhood as a widow, and had obtained credit as such, and afterwards pleaded her coverture to avoid payment of her debts.

Mr. *Beresford* thought it quite needless to go any farther in the contradiction of Mrs. Clarke's evidence, as she had been sufficiently contradicted already, to prove that she was a person unworthy of belief. Indeed, what the house had heard from herself was almost, if not altogether, enough for this purpose. He had suffered great pain in seeing a witness of such a description standing at the bar of that house, and examined with respect to the conduct of his royal highness. Mr. Knight, a most respectable gentleman, had already contradicted her, and he was in hopes that the house would see no further occasion for proceeding in examining into private amours. Almost every member in the house must be convinced that this was a character unworthy of credit, and it was excessively unpleasant to go on with any thing farther about her. It might be thought that he took a great deal upon himself, in advising the hon. and learned gent. as to the course he should pursue. But he considered it as a degradation to the house to proceed farther into the history of this infamous woman, for so he must call her.

Mr. *Adam* stated his wish to explain a circumstance adverted to in one of Mrs. Clarke's letters, in order to prevent any misconception. The child alluded to in the letter was not a child of the duke's. It was also his duty to state, that this child had long been under the protection of the duke of York, and and was actually so at the time the letter was written, as the letter itself implied, which was nearly two years after the separation had taken place.

Mr. *Fuller* said, that he hoped every examination would be proceeded in that the case could possibly admit of, as it was of importance that this subject should be probed to the bottom. This, he was convinced, was the foulest conspiracy that ever was set on foot against the Son of the Crown, (a laugh) and indirectly against the Crown itself. He desired, that the evidence might proceed, and expressed his hopes, that an honourable man would be fully acquitted by his honourable countrymen.

The *Chancellor of the Exchequer* observed, that the discussion was undoubtedly an unpleasant one, but though it was unpleasant, yet the house could not shrink from it as it was brought before them. If he were called upon to give his opinion, even as the case stood, he could have no hesitation in saying, that the evidence of this witness was not to be relied upon. But though the hon. gent. (Mr. Beresford) had heard enough to make up his mind on the subject, could he be sure that the impression made on his mind was exactly that which was made on the mind of every one? If, therefore, Mrs. Clarke had said, that she had never represented herself as a widow, and if it could be proved that she had so represented herself, and got credit upon that ground, it was certainly a very important circumstance, and still more so, if, upon payment of her debts being demanded, she had turned round and represented herself as a married woman. There was, besides, another fact, which it was very material to ascertain. His hon. and learned friend could prove, or imagined he could prove, that this woman, who had said that her husband was engaged in no business, did live with her husband who was a mason with three children. All this ought to be produced for the satisfaction of the house, and he hoped that it would have its full force, because the *corpus delicti* in this case depended entirely on her evidence. There was no doubt, that money had been given, but the question was, whether h. r. h. knew of that circumstance, and had been prevailed upon by her influence to grant promotions and exchanges in the army. This depended entirely upon her testimony, and therefore it was material to shew, in the most satisfactory manner, that her evidence was unworthy of the least credit.

The *Attorney General* said, that in the evidence which he adduced he always looked at the distinct point under consideration. The subject here was the conduct of h. r. h. the Duke of York, with regard to the army; and the particular question was, whether he had conducted himself corruptly in granting commissions with a view to put money in the pockets of those whom he wished to favour. That there were persons about him, as almost always happened in such cases, who represented themselves as possessed of influence; and that there were dupes credulous enough to believe them, and to waste their money, he had no doubt. No witness had attempted to fix any charge upon h. r. h. but Mrs. Clarke; and if the cause had been before a jury, the judge would immediately tell them, that it could not stand a moment upon the testimony of such a witness, even from her own admissions. But this course would not answer here, and it was his duty to attack her credit by other testimony. It was only to that end that he adduced the evidence which he was now about to call. It was not unimportant to prove that this woman had given false testimony. This was a painful duty to him; but it was a duty which ought to be undertaken by some member of the house, and he thought that his official situation called upon him to take a leading part in the investigation. He also stated, that it would be proved by col. Gordon, that the exchange had been ordered before Mrs. Clarke got the money.

Mr. Few and Mr. Munn were then called, but neither of them were in attendance.

Sir *Francis Burdett* observed, that this was a very unpleasant duty; but it was the duty of the house to do justice by the country as well as by the duke of York. He thought gentlemen ought to remain from discussing the merits of the case till the evidence was printed and laid before them. Before they called their witnesses, they ought to allow the hon. gent. to proceed with his charges, and finish them.

The *Chancellor of the Exchequer* observed, that after the hon. gent. had finished this charge, it was understood that the answer was to be given, and the house had before acted upon that principle, by calling col. Gordon, Mr. Adam, and the hon. gent. himself who had brought forward the charges. The witnesses now called upon were summoned, not with a view to the whole of the charges, but to give their testimony upon that which was now closed.

The *Attorney General* then desired Ludowick Orramin to be called. Mrs. Clarke, he observed, had said that she was sure the duke of York knew she got the 200*l.* because his servant had been sent by him to get it changed. Now he would shew that only one servant belonging to the duke of York ever attended him at Gloucester-place, and he had never gone out to get a note changed.

Examination of LUDOWICK ORRAMIN.

(*By the Attorney General.*)

In whose service are you? H. r. h.'s the D. of Y.'s.

How long have you been in h. r. h.'s service? Eighteen years next September.

Have you been constantly in h. r. h.'s service during that period? Yes.

Do you remember when h. r. h. used to visit Mrs. C., in Gloucester Place? Yes.

Did any, and which of h. r. h.'s servants, ever use to attend h. r. h. there? None but myself.

In what capacity do you serve h. r. h.? As footman.

At what time in the day did you use to go to h. r. h.? Sometimes at eight o'clock in the morning. I never went to h. r. h. in the day.

For what purpose did you use to go to him? To take his clothes.

Did you ever see Mrs. C. there? Once.

During how long a time were you in the habit of going to h. r. h. at Gloucester-place? From 1804 to 1806.

Are you sure that no other of h. r. h.'s servants, but yourself, went to him there? Yes.

Were you there very frequently during that time? Yes.

What was the single occasion on which you saw Mrs. C.? A prompt message I received to take a favourite dog of h. r. h.'s for Mrs. C. to see.

Was his highness there at that time? No.

Are you sure that you never saw Mrs. C. at any other time but that at Gloucester-place? Not at Gloucester-place.

Were you ever directed, either by Mrs. C. or by h. r. h., to carry out from Gloucester-place a bank note to be changed? No.

Did you ever carry out a bank note from Gloucester-place to be changed? No.

Are you quite certain of that fact? Yes.

(*By Mr. Wardle.*)

Upon what ground do you assert, that no other servant of the D. of Y.'s ever went to Gloucester-place? Because I had an order from h. r. h., that I was to bring those things, and no other servant; and no other dared to do it.

Do you assert, from your own knowledge, that no other servant of the D. of Y.'s ever went to Gloucester-place? Yes.

Can you speak to your own knowledge, that no other servant, except yourself, ever took a letter from the D. of Y. to Gloucester-place to Mrs. C.? None but me.

How many men-servants were there in Gloucester-place? I do not know.

State, as nearly as you can, how many man-servants there were there? There were sometimes two in general. I never saw more than two livery servants.

How many servants out of livery? One.

What was he? Butler.

Was there no other servant out of livery? No.

Was there a man-cook? I do not know that ever there was.

How often were you in the habits of carrying letters to Gloucester-place? Very seldom.

No other servant of the Duke's ever did carry them, to your knowledge? No, not to my knowledge.

Do you know of any other person who took those letters? No. I do not.

Did you carry any letters from the Duke, that were sent from the Horse-Guards to Gloucester-place? Yes, some I did.

A great many? No.

You stated that you never saw Mrs. C. but once at Gloucester-place in your life? No, I never did.

To whom did you deliver these letters which you took? Mostly to the house-keeper.

What was her name? Favorite.

What was the butler's name? I do not know; I believe, to the best of my recollection, it was Pierce, one of them; the name of the last I do not know.

(By sir Francis Burdett.)

Did you ever see Mrs. C. any where else but at Gloucester-place? Twice.

Where? I met her opposite Somerset-house.

Walking in the street? Walking in the street.

Three times only have you seen Mrs. C. in your life? Only three times.

Have you had any intercourse with any one, previous to your coming to this bar, respecting the evidence you have given this night? H. r. h. asked me if I ever did receive a note from him or Mrs. C.

Had you had any intercourse with any other person besides h. r. h. previous to your giving your testimony this night? I was asked the same question by Mr. Adam.

Had you any intercourse of the same kind with any other person? A Mr. Wilkinson, and Mr. Lowten.

Who is Mr. Wilkinson? A gentleman with Mr. Lowten.

Have you had any other intercourse with any other person, respecting the testimony you were to give at this bar? No.

(By the Attorney General.)

Were the servants, you speak of as being at Gloucester-place, Mrs. C.'s servants? To the best of my knowledge they were.

Are you a foreigner? Yes.

Do you know that they were not the D. of Y.'s servants? To the best of my recollection, I believe they were not the D. of Y.'s servants.

Were the directions from the D. of Y. to you, that no one but yourself should go to h. r. h., at Gloucester-place? I had h. r. h.'s instructions, that nobody, if a letter came, was to go with it but myself.

When h. r. h. asked you, whether you had ever carried a bank note to change from Gloucester-place, what answer did you give him? I told him, I certainly did not recollect that ever I carried any note whatever to be changed.

Can you now take upon yourself, upon recollection, to state that you never did? Yes, I can.

Did you give the same answer to Mr. Lowten, and to the other persons who asked you? I did.

(By Mr. Wardle.)

Are you certain that the D. of Y. never went in his carriage to Gloucester-place? He certainly never did.

Nor on horseback? As far as I know, he never did.

Repeat as nearly as you can, every thing that passed between Mr. Adam, Mr. Lowten, Mr. Wilkinson, and yourself, upon this subject.—Mr. Adam asked me if I was in the habit of going to h. r. h.'s occasionally, and I answered yes; and then Mr. Adam asked me if ever I recollected receiving a note either from Mrs. C. or h. r. h.; I said I never did; upon which Mr. Adam sent me to Mr. Lowten and Mr. Wilkinson. Mr. Wilkinson asked me my name again, and how long I had been with h. r. h., and then asked me concerning these notes, if I ever changed any note for Mrs. C. or h. r. h., of that description, there; I answered no. That is as nearly as I can recollect what passed.

Has the Duke no valet de chambre that ever went to him at Gloucester-place, either at night or in the morning? To my recollection, h. r. h. had no valet that ever went to Gloucester-place. [The witness was directed to withdraw.]

The *Attorney General* said, as the other witnesses he had intended to call were not at hand, he would take an opportunity of calling them some other time.

Mr. *Wardle* said, that he hoped there would be no objection to his calling one or two witnesses also, in consequence of what had passed since he submitted his case.

The *Chancellor of the Exchequer* replied, there could be no objection, and wished the hon gent. to give in their names.

Mr. *Wardle* said, that as the gentlemen opposite did not think it necessary to give in beforehand the names of their witnesses, he would certainly avail himself of the same privilege he possessed, and would not give in the names of his witnesses. He wished to put a few questions to Mr. Adam, as every thing he said in the house on this subject had great weight, from his having declared he served the Duke of York *gratuitously*.

William Adam, Esq. was further examined as follows:

(By Mr. Wardle.)

Having stated that you have served h. r. h. the D. of Y. gratuitously, may I be allowed to ask, have you a son in the army? I have, he is lieut.-col. of the 21st regiment of foot.

At what age was he made lieut.-col.? I will answer that question. But as I have received a letter which I will presently read to the house, they will see the necessity of my answering that question by stating the introduction of that person, and the progress he made in the army. Gen. sir C. Stewart, who was a friend of my early life, asked me if any of my five sons had a disposition or inclination for the army. I told him that there was one of them, then fourteen or fifteen years old, who I thought had a strong tendency that way. He said, you know my friendship for you, and the rules of the service permit my making him an ensign. He gave him the commission of ensign; his regiment was in Canada, and the young person never joined it, but was sent by me immediately to Woolwich, to receive a military education regularly; and as I am asked a question of this sort, and know its tendency, from the letter I have in my pocket, I do not think it unbecoming in me to state, of so near and so dear a relation, that he distinguished himself extremely in his progress at Woolwich. He received a second commission of lieutenant from gen. sir C. Stewart, equally gratuitously with my services to the D. of Y. When sir Ralph Abercrombie, whom I likewise had the honour to call my intimate friend, was about to go out to the Helder, he went under him at the age of sixteen as a volunteer. The house will pardon me, for it is impossible for me not to feel upon this subject; I must state his merits. That youth landed in a hot fire, and he behaved so as to receive the thanks of every body around him; he remained actively engaged in every engagement during that expedition; he had the command of such a subdivision of men as a lieutenant commands, and they were of those troops that were raised as volunteers from the militia; they were raw to service, they required much management, and yet he contrived to conduct them well: when he returned to this country, he received from his royal highness the D. of Y., without any solicitation whatever on my part, so help me God, a commission in his own regiment, the Coldstream, having paved the way to make him a lieutenant in his own regiment, by giving him a commission in one of the regiments that was raised just after the affair of the Helder. I do not recollect the particular circumstances, but it will be easy to get them at the war-office, if that is necessary. He remained in the Coldstream regiment at home until the expedition to Egypt, when he went again under sir Ralph Abercrombie, where he was accompanied by his friend at Woolwich, who had made a similar progress with himself, the son of sir John Warren, who was killed by his side. He was one of those who landed with the guards in the illustrious landing commanded by sir Ralph Abercrombie, and covered by lord Keith. I have the happiness to say, that he distinguished himself equally upon that occasion. When he returned home, the D. of Y. again gratuitously transferred him to his own regiment with the rank of major; and he rose, as a matter of course, at the age, I believe, of not quite twenty-one, to the rank of lieutenant-colonel in the second battalion of his own regiment. When colonel Wilson went abroad with general Maitland, colonel Wilson intimated to me, that it would vacate his lieutenant-colonelcy; and the only time I ever mentioned his name to the Duke of York was to mention that fact, and to leave it to his royal highness to do as he thought fit; his royal highness put him in the first battalion; and I have the happiness to think, that he has been a constant credit to his country, and has commanded as well, from the moment he was appointed lieutenant-colonel, as any one in the service; and I desire general officers in the service to speak to that. If general Moore were alive he could do it. I now beg leave to read this letter, which I should have considered a mere trifle, if it were not for this question, and put it into my pocket, and probably into the fire: it is written in red ink.

[Mr. Adam read an anonymous letter.]

"To W. Adam, Esq.

"Sir,—Your character was once respectable " —that is now over; your shifting of sides in " the house, and your interference in the Duke " of York's *lechery*, would have dubbed any " other man with the epithet of *Pimp*. By your " perpetual subserviency to the royal interests, " one of your sons has obtained a lieutenant-" colonelcy, and the other a ship—(" I wish I " " was questioned as to *that appointment*—") " Bravo—go on—see if you can persuade any " man that you are not acting for profit, when " your family is thus provided for. What! the " Duke's conduct is not to be canvassed—no, " nor his profligacy to his w——, because he is " the second in the kingdom, and a prince for-" sooth. Decide as you will, the public can " form their judgment; nor will a heavy bur-" thened people be persuaded, by the vote of " a bear garden, that *black is white*. Be " honest; change your principles with the co-" lour of your hair; let this *rubrick* prove to " you typical of my feeling, blushing as I am " at your misconduct: and as for the house, it " may discuss the subject; but on its decision " depends its own damnation or salvation."

Having given the answer which I have to the honourable gentleman, I am in the judgment of the house, whether I have not a right to say, that I have gratuitously served the Duke of York.

Upon the question being asked, Mr. Adam said the letter was without a signature.

Mr. *Ellison* observed, that it was unworthy the character of an individual to pay attention to anonymous letters, and condemned Mr. Adam for having brought this before the House.

Mr. *Adam* replied, that he felt it incumbent on him to do so from its singular coincidence with the question that had been put to him. It was written to deter him from doing his duty, and to libel the house of commons, both of which were beyond the power of any such attempts. He had to protect his own and his family's honour, which he would do in the manner that seemed best to himself, without minding any one's opinion.

Mr. *Ellison* said, there was no occasion for rough language, particularly as he had gone along with the hon. gent. in all his feelings as a man and a father. He had only expressed his disapprobation of having such letters brought into the minutes of the House.

Mr. *Fuller* defended the reading of the letter in warm terms, and amid loud cries of Order! order! He said, the house did not do their duty, and ought to be whipped, if they did not offer a reward of 500*l.* or 1,000*l.* for its author (Order! Order!) "Why am I out of order? Where am I out of order? If you are such poor creatures"—(Here the hon. gent.'s voice was drowned amid the general clamour, and he sat down exclaiming, "Well! well! well!)

Mr. *Lyttleton* deprecated all personal aspersions upon members of that house, and conceived, that if a threatening letter from an anonymous person was criminal, a threatening manner to that house was not less culpable.

Mr. *Adam* said, that he had no idea of proposing to insert the letter in the Minutes of the Committee, until some member across the table whispered the propriety of doing so. He however contended and must insist, that the evidence which he had felt it his duty to give in answer to the interrogatory of the hon. member, should continue to constitute a part of the proceedings.

Mr. *Sheridan* conceived, that through some error the question put to his hon. friend (Mr. Adam) was taken down incorrectly by the note taker. The question, as taken by the note taker, was simply, whether Mr. Adam had a son a lieut.-col. in the army. Whereas the actual question was, has Mr. Adam having stated, that he acted for the Commander in Chief gratuitously, he (Mr. Wardle) wished to know whether his learned friend had not a son in the army. Meaning by the import and spirit of his interrogatory to convey, that the services of his learned friend were remunerated by the promotion of his son.—The interrogatory was, with Mr. Wardle's admission, corrected according to the wish expressed by Mr. Sheridan.

Case of Captain Maling.

Mr. *Wardle* considered it his duty, before he submitted his Charge against the Commander in Chief in the promotion of capt. Maling, to positively state, that he believed that gentleman as proper an officer as any of his rank in the service. Every inquiry he had made went to prove that his conduct was strictly honourable. It would appear from the Gazette, that capt. Maling was appointed to his ensigncy in Nov. 1805; that he was promoted to his lieutenancy in the same month of the year 1806; and obtained a company on the 5th of Sept. 1808. His majesty's regulations had prescribed, that every officer should continue for a limited time in his subaltern situation. But his complaint in this case was, that capt. Maling was promoted over the heads of officers, many years his seniors in the army, and who were many of them lieutenants long before he received his appointment to an ensigncy. This was a most cruel system; and, in the present instance, he conceived it particularly aggravated, inasmuch as the promotion of capt. Maling was throughout gratuitous, to the injury of old subalterns who had applied to purchase companies at the regulation price: some with the claims of honourable character and long service, others not only with character and length of time, but also recommended by wounds received in the cause of their sovereign and country. It was undeniable that such a system was vitally injurious to the best interests of the country, and, of course, to prevent its recurrence, was of material importance. If any improper conception of the nature of this charge had gone abroad, he felt extreme regret, but it was his duty to take advantage of subsequent opportunities in order to explain himself. His charge was, that capt. Maling had, in the short space of two years and three months, received his three commissions, and was appointed to a company over the heads of many subalterns who had made application to the Commander in Chief for leave to purchase, and who were old ensigns and lieutenants long before that gentleman left Mr. Greenwood's office. He did, he believed, state on the former night that capt. Maling continued to fulfil his duty to Mr. Greenwood, some months after his appointment to an ensigncy.

Mr. *Sturges Bourne* was anxious to ascertain the distinct charge on which the hon. member wished then to proceed. The gravamen of the case, when originally introduced by the hon. gent., was, according to his impression, that capt. Maling was unduly promoted without the claim of one hour's service. The complexion which it that night assumed was, that his promotion was granted over the heads of many senior and meritorious officers. If such had been the ground on which the original statement was introduced, he believed the house would pause before it admitted of a question, whose discussion embraced the comparative merit of many officers in the service. Indeed, if such an option was not entrusted to the Commander in Chief, he was at a loss to understand what was the discretion of such a situation. But at all events, there was no very high and distinguished favour conferred by a promotion in the African regiment, a corps principally composed of convicts and deserters.

Mr. *Wortley* thought it the duty of any member in bringing such serious charges previously to ascertain the facts on which he intended to proceed. He had to complain that this was not the only instance in which the hon member had shewn himself deficient in the necessary information. The instance in the case of col. French was more aggravated; that officer the hon. member had never seen, and though his evidence was most material, he was now out of the reach either of him or of that house. It was cruelty to attack persons so distinguished in rank and office, on points where it was impossible to bring the proofs forward which were necessary to substantiate the accusation.

Mr. *Croker* had attended most accurately to the hon. gent.'s original statement, which was that capt. Maling had not been one hour in the service, and that he was still to be found at Mr. Greenwood's desk. If the hon. gent. had stated his charge on a former night, as he had just done, he should have felt it his duty to move, that the house should reject the consideration of it, as a matter in which the judgment and discretion of the Commander in Chief ought freely to be exercised.

Colonel *Wood* declared, that he could not see how the house could enter upon any inquiry at all into the business, as now stated by the hon. gent. He perfectly agreed with the hon. gent. who had immediately preceded him, in the nature of the hon. gent.'s original accusation, but he now found that the charge preferred by the hon. gent. amounted simply to this, that at the time when capt. Maling was promoted, there were subalterns in the army of a longer standing than himself. Now, he conceived, that it was an unquestionable prerogative of his majesty to appoint such persons to be officers in his army as he pleased, and that the house of commons had no power over that prerogative. If the regulation of a certain term of service were adhered to, the house had no right to interfere, and could not interfere without intrenching on the prerogative of the crown.

The *Chancellor of the Exchequer* wished the Inquiry to be proceeded with. The committee would recollect that they had a charge from the house to investigate the conduct of h. r. h. the Commander in Chief. The public impression against capt. Maling, and against the Commander in Chief, was a gross injustice therefore to both, and an injustice to the country. The charge ought to be negatived in evidence, and the committee must not be satisfied with the bare contradiction of it by the hon. accuser himself.

Mr. *Wardle* wished to acquiesce in the general wishes of the committee, either to withdraw or to proceed with the charge. It was possible that in the warmth of discussion he might have stated in this charge something stronger than the case admitted. But on referring to his own notes he had no idea to make any other impression than that which he himself felt on the rapid promotion of capt. Maling over deserving officers, his seniors in the army. He was certain that he did never assert that that officer was promoted without having ever served, because he well recollected that he alluded to his having been a pay-master in Ireland.

Mr. *D. Browne* observed, that the difference was material. The hon. gent. had said on a recent evening, that capt. Maling was still to be found at Mr. Greenwood's desk. Did he mean to deny this, or, not denying it, did he mean to relinquish that part of his charge?

Mr. *Wardle* said, that what he intended to state was, that after the appointment of Mr. Maling to an ensigncy, he believed he was to be found at Mr. Greenwood's desk.

Mr. *Ellison* thought the hon. gent. was bound to establish all the statements which he had made in the opening of the business.

Mr. *Lascelles* observed, that in such a grave proceeding as the present, it was peculiarly incumbent on the accuser to consider well before he preferred his accusation. If the doctrine held forth by the hon. gent., that on a subject like the present, he had a right on one day to correct the misconceptions of another, were accepted, not a single individual in the house or the country would be safe. Every man's reputation might be wantonly injured in the public esteem, and an impression might be made on his character, which could never afterwards be effaced.

Colonel Gordon was called in, and examined, as follows:

(By Mr. Wardle.)

What were the merits and services that obtained capt. Maling his rapid promotion, and the gift of his three commissions? I will state them to the house. The first recommendation for the ensign's commission of Mr. Maling I have now in my hand. [Colonel Gordon read the following letter:]

"London, 20th Nov. 1805.
C. L. agreed to.

"Sir: As I am very anxious to have the "regiment under my command complete, I took the liberty of submitting "to his royal highness the names of ensigns Budd and Warren, (the senior of "their rank and of the year 1804) for two "of the vacant lieutenancies, which h. r. "h. was graciously pleased to accede to; "I should humbly beg leave to recommend in their succession
Oct. 1804: . *Nov.* 1804.
"Murphy and John Maling, gentⁿ. "They are both very promising young "men, and of the full age prescribed by "his majesty's regulations.

"I have the honour to be, &c.
"J. Doyle, Lt. General,
"Colonel 87."

"Lt. Colonel Gordon,
"&c. &c. &c.
"Horse Guards."

On the formation of the garrison battalions in Nov. 1806, when the men for limited service were taken out of the body of the army, and placed into separate battalions, it became necessary, of course, to officer those battalions. Ensign Maling, then with the 87th regiment, was, with four other ensigns, selected for the fourth garrison battalion, then in Guernsey—in the same place in which he was serving. Ensign Maling was the senior of three of those ensigns, and he was of that standing in the army which entitled him, not only to promotion in that corps, but into almost any other corps in his majesty's service. That will account for his promotion to a lieutenancy. Lieut. Maling joined the garrison battalion to which he was appointed, and remained with it a considerable period. In August 1807, this letter was written to me.

[Colonel Gordon read the following letter:]

"August 17th 1807.
"Cox & Greenwood."

"Sir: I have to beg you would be pleased "to lay before h. r. h. the Commander "in Chief, my request, that capt. Charles "Doyle, of the first garrison battalion, "may be transferred to the 87th regi-"ment, in which corps there is a vacant "company, *vice* Edwards *cashiered.*—I "take the liberty to enclose a request on "the part of lieut. Maling of the fourth "garrison battalion.

"I have the honour, Sir, &c.
"C. W. Doyle,
"Lᵗ Colonel 87th,
"Commanding 2d Batt."

"To Lᵗ Col. Gordon,
"&c. &c. &c."

"Lieut. Maling of the fourth garrison bat-"talion humbly requests to be removed "back into the 87th, there being vacan-"cies in that corps, and the ensigns who "were senior to him, are all promoted."
"August 17th, 1807."

Colonel *Gordon.*—Consequently he could not be an aid-de-camp. The statement of the thing was considered as sufficient; the regiment being ordered for embarkation, the Commander in Chief would not permit it, nor could the officer, consistently with his own honour, accept it. The next that we heard of lieut. Maling, now capt. Maling, was on the augmentation of the royal African corps from four companies to six companies. In the month of last September it became necessary for the Commander in Chief to recommend to his majesty two officers to fill those vacant companies. Lieut. Maling having been recommended to the notice of the Commander in Chief, from the paper now before the house, he was selected for one of those vacant companies: but before he was so selected, I spoke to his brother, and asked him if he could answer, that if his brother, lieut. Maling, was appointed to a company in the African corps, that he would join that corps, and go with them instantly to Goree; the brother assured me that he would answer for his doing so; in consequence of which I submitted his name to the Commander in Chief for one of those vacant companies, to which he was accordingly appointed. After he was appointed, I sent for capt. Maling, and repeated to him, as nearly as I can recollect, the very words I repeated to his brother. He expressed himself much honoured in the appointment, much flattered with my notice; and that he was in readiness to set off instantly to the army depot, to which place I believe he did set off. Many of the African corps were at that time on board a prison-ship. When this prison-ship became too crowded to hold all the men that it was necessary to put into it, a detachment was sent to Castle Cornet, in the island of Guernsey, the only place of security to which men of that description could be sent; capt. Maling went with it: and the next that I heard of capt. Maling was this letter, two months and a half after he had been appointed:

[Col. Gordon delivered in the following letter:]

"Guernsey, 25 July 1808."
"Sir: The Secretary at War having notified "to me, that I am to be allowed one "aid-de-camp from the 25th April, I beg "you may submit to h. r. h. the Commander in Chief my request to be permitted to recommend lieut Maling, of "the 87th regt for that situation.
"I have the honour to be, &c.
"John Fraser,
"The Adjutant General "M. G."
"of the Forces,
"&c. &c. &c."

(Copy.)
"Horse-Guards, 30th July 1808."
"Sir: I have the honour to acknowledge "the receipt of your letter of the 25th "inst. and to acquaint you, that the 2d "battalion of 87th regiment, to which "lieut. Maling belongs, has been ordered "to be held in readiness for immediate "embarkation for foreign service.
"I have, &c. (Signed)
"Harry Calvert,
"M. Gen. J. Fraser, &c. &c. "A. G."
"Guernsey."

"Guernsey, 20th Dec. 1808."
"Sir: I beg leave to request permission of h. "r. h. the Commander in Chief, to employ as my aid-de-camp, capt. John "Maling, of the royal African corps, "who is at present stationed in this "island with part of that corps.
"I have, &c.
"John Fraser,
The Adjutant General "M. G."
"of the forces."

Indorsed: "Dec. 27.
"There was a very large proportion of these "men at the depôt, on board the prison-ships, "and in other places of confinement; and of "these, it was reported that some were men of "less bad conduct than others, and might be usefully employed as soldiers, but that it was "hard to keep them as prisoners for such "a length of time as might elapse before they "could possibly embark for Goree. The only "place for them is Castle Cornet, in Guernsey, where their predecessors were, and "where these men may be trained and formed "prior to embarkation for Africa.
"Capt. Maling is a good young man, and "I should imagine, so long as the CORPS REMAINS IN GUERNSEY, there could not be "any objection.—Maj. Chisholm left town "yesterday, for Guernsey."

(Copy.)
"Horse-Guards, 28th Dec. 1808."
"Sir: I have had the honour to lay be"fore the Commander in Chief, your "letter of the 20th instant; and am di"rected to acquaint you that h. r. h. ap"proves of capt. John Maling, of the "royal African corps, being employed as "your aid-de-camp, upon the staff of "Guernsey, so long as a detachment of "that corps remains in Guernsey.
"I have, &c.
"H. Calvert,
"Mr - Genl Fraser, &c. &c. "A. G."
"Guernsey."

Q. I ask the witness, whether subalterns of much stronger claims to promotion than those of Maling, and of many years longer service, are not at this time in the army?—Here

The *Chancellor of the Exchequer* interfered, and submitted, that in his judgment this question was quite irregular. If the object before the committee was that of going to constitute some legislative regulations in the army, such an interrogatory would be right enough; but when gentlemen would advert to the nature of the case before them he thought they never could entertain such a question. The point of the charge against the Commander-in-Chief was, that in this transaction there was corruption: without anticipating how they would decide, he might fairly assume that no such thing was made out; and as on all hands it would be granted that the Commander-in-Chief had a discretionary power in such cases, which this question went to controul, he thought it ought not to be put.

Sir *F. Burdett* was of opinion that the question might be modified or withdrawn altogether, and this last he understood the hon. colonel had no objection to.

A conversation then ensued between Mr. Croker, lord Folkestone, Mr. Whitbread, the Chancellor of the Exehequer, Mr. Tierney, sir Arthur Wellesley, the Secretary at War, Mr. Canning, and col. Barry, as to modifying or withdrawing it, when, on the suggestion of Mr. Canning, the words "strong claims to promotions," were omitted; and after some further observations from Mr. Barham, Mr. D. Brown, Mr. Lyttleton, and Mr. Adam,

Mr. *Wardle* said he was ready to withdraw the question, or to put it in any shape which the committee would suggest. It was his intention to move for a list of all officers, who, from the year 1805 to 1808, had made applications of a like nature, together with a list of the respective certificates of each as to their merits and their services.—The question was then put in its modified shape,

(By Mr. Wardle.)

Is it within your knowledge that there are several subalterns now in the army who have served longer than capt. Maling? Unquestionably, there are a very considerable number. May I explain to the house: it is the invariable practice of the army, at least it has been the invariable practice of the present Commander in Chief, without one single exception, that no junior officer can be promoted over the head of his senior, I mean in the regiment into which he is so promoted; but it never has been the practice of the army, that the promotion goes in a regular routine of seniority through the whole army, I never heard of such a practice. I beg further to explain: I conceive it my particular duty to take care, and report to the Commander in Chief, that any officer whose name is submitted to h. r. h. is a fit and proper person, duly qualified in all respects as to character, as to points of service, and as to his majesty's regulations, for the service into which he is so recommended; that capt. Maling is so, I did certainly conceive; and I do now feel, that he is not only an honour to the corps in which he is placed, but I do firmly believe that he is as promising an officer as any in the army, and as likely to do honour to his country.

Do you mean that no officer is promoted over the head of another who is his senior; do you mean, that no officer is taken out of one regiment and put into another, over the head of an officer of older rank than himself, who was ready to purchase in that regiment? I mean distinctly this: if there should be a vacant company, for instance in the 5th regiment of foot, that any lieutenant that the Commander in Chief recommends for that purpose, must be senior to all the lieutenants of the 5th.

Then a major of one regiment could not be put as lieut.-col. into another, over the head of a major in that regiment of senior date and rank to himself? Most undoubtedly not.

Was not col. Pigot, of a dragoon regiment, promoted over the head of a senior major who then was in that regiment? I beg to explain, that when I say this never takes place, it is made a special instruction from the Commander in Chief to every general officer commanding that he invariably pursues the practice I have pointed out, except in such cases where he can give strong and sufficient reasons to the contrary. With respect to col. Pigot, I cannot venture to take upon myself to speak so decidedly from memory; but I believe the hon. member means col. Pigot of the 21st dragoons, now at the Cape; what the special circumstances of his appointment were, I do not now recollect; but whatever they were, they were on the special recommendation of the lieut. gen., and colonel of the regiment, lieut. gen. Tarleton, that I do recollect.

Do you recollect any unpleasant occurrence happening in consequence of that appointment? I cannot say that I do.

Can you from your own knowledge say, whether, at the time of lieut. Maling being promoted to a company, any recommendations for purchase from the commanding officers of regiments, of subalterns of senior date to lieut. Maling, were before the Commander in Chief? Certainly, a great many, but this vacancy was not by purchase.

Were there any recommendations of senior subalterns for promotion without purchase before the Commander in Chief? It is very likely that there were.

Can you speak positively to that fact? I think I can.

Do you think that they were to any great number? The army is so very extensive, I cannot have any hesitation in saying that they must have been to a very great number.

Is it not a regulation, that no officer shall purchase a company, unless he has been two years a subaltern? It is a regulation of the army, his majesty's regulation, that no subaltern can be promoted to a company, either by purchase or without, under a service of two years.

Do you command the royal African corps? I do.

(By Mr. Wortley.)

State what has been the length and nature of your services in the army? I have served his majesty very nearly for 26 years; for the last 24 of which I have been employed in every part of the world (the East Indies excepted) where his majesty's troops have been stationed, and with very little intermission. I have been four times to the West Indies, and have been there nearly six years; I have been twice to America; I have been all over the Mediterranean; I have commanded a regiment in America; I have commanded a regiment in the West Indies. It has been my fortune, very undeservedly perhaps, to have a sword voted for my services; to have been repeatedly thanked by general officers under whom I have been placed. It is perhaps a singular part of my service, that I have not only served in every situation in the army, from an ensign up to my present rank, that a gentleman could serve in, but I have also served in every situation of the Staff of the army, without one single exception. Of this service, 12 years I was a subaltern, nine of that, in constant regimental duty, five years I think, as major; two or three years as lieut.-col. with my regiment, the greatest part of that time abroad.

Were not the regulations for the promotion of the army, which you have mentioned, set on foot originally by the Duke of York? They certainly were, when the Duke of York became Commander in Chief of the army. Prior to his being appointed Commander in Chief of the army, an officer who had money might purchase up to the rank of lieut.-col. in three weeks or a month, as fast as his separate appointments could be passed through each separate Gazette.

(By the Attorney General.)

Does the rule that you have stated, of not promoting an officer into another regiment where there are officers senior to him of the same rank that he filled in the regiment from which he comes, apply to appointments with or without purchase? It applies to both; that is, no junior officer can be permitted to purchase over the head of a senior officer, provided that senior officer is also willing to purchase, I always mean; or unless there are special reasons to the contrary; something relating to the misconduct of the person.

Can you take upon yourself to say, that there has been no instance of an officer being promoted into another regiment, where if it is not a case of purchase, there is an unexceptionable senior officer in the same rank; and where it is a case of purchase, where there is an unexceptionable officer, able and willing to purchase? I have already said, that no junior officer can be promoted over the head of a senior officer in the same regiment, and that the same rule applies to purchase; that is, that no junior officer can purchase over the head of a senior officer into a regiment where a senior officer is willing to purchase; that I never knew that rule deviated from, except in some particular case or cases, upon which a special explanation could be given.

Upon reference to any paper since you were last examined here, have you any means of accounting for the Exchange of lieut. col. Knight and lieut. col. Brooke not being in the Gazette till the Tuesday? I stated to the house, I believe, in my evidence the last time I had the honour to give it in this House, that I received the Duke's pleasure, his final pleasure, upon the subject of this Exchange, on the 23d of July, which date was upon the original paper now on the table of the house. Since that time I have obtained possession of the original paper which was submitted to his Majesty; I now hold that paper in my hand. The exchange was final with the Commander in Chief on the 23d of July, the Tuesday; on Wednesday the 24th it was made out to be sent to the King, but not in time to go by the mail of that day. I beg to inform the House, that the mail passes through the archway of the Horse-Guards exactly at three o'clock; the King, being at Weymouth on Thursday the 25th, I sent this paper to his Majesty by the mail. Here is his majesty's signature to it.... "Weymouth, July the 26th 1805; Commissions agreeably to the above List, to be prepared for my signature." .... This paper was returned to me on the following day, on Saturday, but too late for the Gazette; it was therefore gazetted on the next Gazette day. I believe I stated to the house, that when I talk of the next Gazette, I mean the next Gazette in which military promotions are announced; and it will be found that no military promotions were announced in the Gazette on Saturday. I have said that the Commander in Chief had decided upon this exchange on the 23d of July; on reference to my correspondence for the month of July, I find these papers: this is an application to the Commander in Chief (through me) from an hon. member of this house, on behalf of his brother, to exchange into the cavalry, with lieut. col. Knight:

[Col. Gordon read and delivered in a letter from Mr. Huskisson, dated Treasury Chambers, 22d of July 1805.]

Col. *Gordon.* My answer is on the 23d of July, the day I mentioned before.

[Col. Gordon read and delivered in the answer, dated the 23d of July 1805.]

(Copy.)

"Treasury Chambers 22d July, 1805."

"My dear Sir; The condescension I experienced lately from h. r. h. in allowing my "brother to purchase a Majority in the 8th "foot, is not unknown to you, to whose "friendly assistance I was much indebted on "the occasion. You will probably recollect "that at the time I mentioned to you the probability that my brother would feel anxious "for an opportunity of getting back into the "Cavalry, both on account of his never having "served in the Infantry, and from the circumstance of his health having suffered so much "whilst serving with the 25th light dragoons in "the East Indies, that he is strongly advised "against returning, at least for some years, to a "hot climate. Under these circumstances, I "cannot help requesting, if it should not appear "too much presumption on my part, that you "would submit to h. r. h. my humble request, "that he would afford my brother an opportunity of exchanging into the Cavalry. Feeling "the great obligation I am already under to h. "r. h., I should not venture again to trespass "so soon on his indulgence, if I had not understood that one of the Majors of the 5th "dragoon guards had signified a wish to exchange into the Infantry, and that it might "be a long time before any other opportunity "might occur of bringing my brother back into "that service, to which, for the reasons I have "now troubled you with, he is so anxious to "be restored. I remain, &c. (Signed)

"W. Huskisson."

"Lt. col. Gordon."

(Copy)

"Horse-Guards, 23rd July 1805."

"My dear Sir,

"I have not failed to lay your request, in "behalf of your brother, before the Duke of "York; and am commanded to acquaint you "that h. r. h. will be glad of any favourable "opportunity, by which he can be enabled to "accede to it. The exchange with brevet "lieut. col. Knight, 5th Dragoon Guards, has "already been determined upon in favour of "brevet. lieut.-col. Brooke, whose services h. r. "h. was of opinion could not but be favourably considered; but if your brother can find "any major in the cavalry who is disposed to "exchange to the infantry of the line, the Commander in Chief will have much pleasure in "recommending the same to his Majesty.

"Yours very faithfully,
"W. Huskisson, Esq. (Signed)
&c. &c. &c." "J. W. Gordon."

State what are the regulations that have been established by the Duke of York with regard to regimental promotions, having regard to the period of service in each rank.—The regulations were briefly these; an officer must serve as a subaltern two years before he can be a captain, and he must have served six years before he can be a field officer. I never knew any instance of those rules having been broken through, always, as in merchants accounts, saying errors excepted.

(By Colonel Wood.)

How many hours in every day does the Commander in Chief devote to the duties of his office? The Commander in Chief commands my attendance upon him every morning a little after ten; and he very rarely gives up business until past seven in the evening, there or thereabouts, very often past eight.

Is not h. r. h. particularly punctual in taking care that the business of his office is conducted in such a manner, that reference may always be had to the cause of any promotion? Most undoubtedly he is.

Has not h. r. h. taken, in the instances where commissions are permitted to be sold, particular precautions to confine those commissions to the regulated price only? He certainly has. I believe it will be necessary for me to trouble the House still further upon this: in the year 1804, when a great augmentation was added to the army of fifty battalions, I did understand that very great abuses were practised with respect to the purchase and sale of commissions; that people endeavoured to obtain commissions unduly, that they endeavoured to impose upon the officers of the army in taking money under the pretence of obtaining commissions, and that this went to a very great extent. I did represent this in the strongest manner to the Commander in Chief, who felt it very sensibly, and expressed the strongest indignation at it, and commanded me to frame an instrument, a copy of which I now hold in my hand, and which was circulated to all the corps of the army. With the permission of the house I will read it.

[Colonel Gordon read the following letter:]

(Copy.)
"Circular to Army Agents."
Horse-Guards, Sept. 28, 1804."

"Gentlemen,

"His r. h. the Commander in Chief having "the strongest reason to believe (from the advertisements that have frequently appeared "in the public papers) that an extensive correspondence is carried on with the officers of the "army by persons styling themselves army "brokers, to induce them to enter into pecuniary engagements for the purpose of obtaining commissions, contrary to the established "regulations; and it being the earnest desire "of the Commander in Chief to check as much "as possible a practice so extremely prejudicial to the service; I am commanded to call "your attention to this important point, and to "impress upon you the necessity of the utmost vigilance, in preventing, as far as may "be in your power, any communication whatever with those persons and the officers in "your Agency: And should it at any time "appear that any such commissions shall have "been negociated through your offices, the "Commander in Chief will consider it his duty "to recommend to the colonels of the respective regiments to notice such irregularity, by "withdrawing their regiments from that Agency, and placing them in other hands.—I "have it further in command, to desire that "you may be pleased to convey to the officers "commanding regiments in your Agency, the "most marked disapprobation of h. r. h. of "this improper and secret traffic; and to assure them, that if subsequent to the date of "this letter any commission shall be discovered "to be so obtained, such commission will be "immediately cancelled, and the officer be reported to the King, as having acted in direct "disobedience to the orders of the Commander "in Chief.

(Signed) "J. W. Gordon."

(Copy.) "Circular."
"Horse-Guards, 19 Oct. 1804."

"Sir; I have the commands of h. r. h. the "Commander in Chief, to transmit for your information and guidance a paper, containing "directions to be from henceforth exactly observed in the purchase and sale of all commissions, according to his Majesty's regulations, and which you will please to cause to "be enforced in the regiment under your command.—Returns of the officers prepared to "purchase, are to be made out according to "the accompanying form, and to be transmitted in the first instance, as soon as possible "after the receipt of this letter.

"I have, &c.
"Officer commanding (Signed)
"Regiment of "J. W. Gordon."

(Copy.) "Horse-Guards, 19 Oct. 1804."

"1. His Majesty's Regulations, in regard to "the sums to be given and received for commissions in the army, having in various instances been disregarded, to the great prejudice of his Majesty's service, h. r. h. the "Commander in Chief is pleased to direct, "that when an officer is desirous of retiring "from the service, and of having leave to sell "his commission, if his regiment is in G. Britain, he is to send his resignation in the usual "manner, through the commanding officer of his regiment, to his colonel, who, in transmitting the same to the Commander in Chief, may at the same time, if there are purchasers in the corps, recommend in succession the senior of their respective ranks for purchase, both the colonel and commanding officer certifying that they are satisfied that no more than the sum stipulated by his Majesty's regulations is given or received.

"2. Should there be no purchaser in the regiment, the resignation of the officer desirous to retire is alone to be transmitted in the manner and form above-mentioned; when, should the application be deemed proper to be granted, h. r. h. will recommend to his Majesty such officer for the purchase as to h. r. h. may appear most eligible.

"3. Officers belonging to regiments stationed in Ireland, must make their applications in a similar course to the commander of the forces there; and on foreign stations through the commanding officer to the general officer under whose command they serve; their applications being uniformly sanctioned by their respective commanding officers, who are to certify, in the same manner as colonels of regiments at home, that they are satisfied in regard to the sums given or to be received being in strict conformity to his majesty's regulations.

"4. Colonels, when absent from G. Britain and Ireland, may empower the officer in actual command of their regiments, or their regimental agents, to recommend purchasers for vacant commissions, in which case the necessary certificates, in regard to the sum to be paid in regimental successions, must be signed by them in the colonel's absence, as well as the recommendation for the purchase; and the person so recommending to cornetcies or ensigncies, vacant by purchase, will be held responsible for the eligibility of the person recommended.

"5. The Commander in Chief is further pleased to direct, that when an officer is desirous of retiring to half-pay, receiving the difference, the same rules are to be observed in regard to transmitting his application; but no recommendation in succession is to accompany the request to retire, as h. r. h. will himself nominate the officer to be proposed to his majesty for the exchange.

"6. To enable the Commander in Chief to recommend officers for purchase, it is necessary that regular returns of all officers prepared to purchase promotion should be transmitted from each regiment and corps in the service to the Commander in Chief's office, Horse-Guards, London, on the 25th March, 25th June, 25th Sept., and 25th Dec. in each year, under cover, to h. r. h.'s military secretary; and these returns must particularly state where the money of each individual desirous of purchasing is lodged, or to be obtained; and similar returns must be forwarded to the regimental agents, for the information of their respective colonels.

"7. Officers, on leave of absence from corps on foreign service, may transmit their applications to purchase or sell through the colonels of their regiments; and in the event of a change in an officer's circumstances between the quarterly returns, he may make a direct communication to head-quarters, in order to prevent any purchase taking place in his own corps, by which he may be passed over by a junior officer.

"8. This rule is applicable also to officers on the recruiting service, or on other military duties, whose corps may be on a foreign station.

"9. Officers on half-pay, desirous of exchanging to full-pay, giving the regulated difference, must address themselves to head-quarters, stating where their money is lodged, or to be obtained, to enable the Commander in Chief to recommend them as vacancies occur.

"10. After these orders have been circulated, no attention will be paid to representations of officers who have neglected to return themselves prepared to purchase; as, whatever hardships they may suffer in that case must be entirely owing to their own neglect.

"11. In causing these orders to be circulated to the army, the Commander in Chief thinks proper to declare, that any officer who shall be found to have given, directly or indirectly, any thing beyond the regulated price, in disobedience to his majesty's orders, or to have attempted to evade the regulation in any manner whatever, will be reported by the Commander in Chief to his majesty, in order that he may be removed from the service; and it is also to be understood, that the prescribed forms of application for the sale and purchase of commissions, and the usual certificates annexed thereto, are in all instances to be complied with. By command of h. r. h. the Commander in Chief,

(Signed) "J. W. Gordon,
"Military Secretary."

FORM OF RETURN.

REGIMENTS.	Names and Rank of Officers desirous to purchase Promotions.	Where their Money is lodged, or to be obtained.	REMARKS.

N. B. The Returns to be transmitted to head-quarters, are directed to be on a sheet of this sized paper.

Colonel Gordon. In consequence of this letter, it was necessary to issue certain regulations, which, perhaps, it will be unnecessary to trouble the house with, but which I will deliver in with my letter. I beg leave to add, that

that strong letter was found totally insufficient for the purposes; that it did come to my knowledge, and that I had proof, that those abuses did still exist; that I put that proof into the hands of the most eminent counsel at the time, and they assured me, that I could have no redress against the parties, there was no law to the contrary, and that it did not amount to a misdemeanour. Having mentioned it to the Commander in Chief, I had frequent communication with the then Secretary at War, now a right hon. member of this house, and whom I see in his place, and after frequent conferences with this right hon. gent., he did bring into this house, and submit to its consideration, a clause, which is now part of the Mutiny Act, inflicting a penalty upon all persons, not duly authorized, who shall negociate for the purchase or sale of any commission whatever.

(*By Lord Folkestone.*)

You are in the habit of almost daily intercourse with the Commander in Chief? When the Commander in Chief is in town; I do not recollect that I ever passed a day without communicating with him.

At the time that this exchange was effected between col. Brooke and col. Knight, the king was at Weymouth? I have shewn it to be so.

Did that paper, containing commissions to be submitted to his majesty, go down to Weymouth by the mail coach? I believe so, I had no other mode of sending it.

Do you recollect the D. of Y.'s going down to Weymouth about that time? Perfectly.

Do you know on what day he went down to Weymouth? I do exactly.

On what day? It was the 31st of July.

You have stated, that according to the new regulations introduced since the D. of Y. has been Commander in Chief, a certain number of years must elapse before an officer can be promoted to a certain rank in the army; is any service required by those regulations besides length of time? It is generally understood that an officer must serve six years.

Has it ever come within your knowledge that any officer has been promoted without any service whatever? No, it has not.

Has it ever come within your knowledge that a boy at school has had a commission of ensign? Yes, it certainly has, I think in some three, four, or perhaps some half dozen instances; not exceeding that; but those commissions have been surreptitiously obtained: and when it was known that the boy was at school, the commission has been cancelled, and that reason given in the Gazette.

Have they been cancelled in every instance? In every instance that has come to the Commander in Chief's knowledge; and the Commander in Chief will be obliged to any gentleman that would point out an instance.

Could you name those instances? Not immediately from my recollection, but I can obtain them from reference; but one I can name. I recollect the Barrack Master of Hythe, I think; the name I do not immediately recollect; but the person I do perfectly, recommending on the score of his own service and great distress, that his son should be recommended for a commission; I recollect also having some suspicion at the time, that this son was not of a proper age; and I do further recollect desiring the officer commanding there, then in command, to examine the young man; and the report of that officer was, that he thought him, though young, eligible for a commission; upon such report the young man was appointed, but when he joined his regiment, the Officer commanding that regiment was of a different opinion, and reported him as too young, and I do perfectly recollect that that commission was cancelled.

Is that the only instance which occurs to your recollection? That is the only instance that occurs; the name of the boy was Kelly.

You have in that box by you, papers ready to answer questions which have been put to you; had you before you came here any idea of the questions that would be put to you? Upon my word I had not; the papers that are now in this box are relative to the exchange of lieut.-cols. Brooke and Knight, part of which I have shewn to the House. All the others relate to the appointment of capt. Maling; to the appointment of all the officers of the African corps, and to every thing in any manner connected with the African corps.

You had no information of the other questions that would be asked you to-night? Most undoubtedly not.

(*By sir Arthur Wellesley.*)

You have stated, that you recommended lieut. Maling to be made a captain in the African corps; did you recommend him in your capacity of lieut. col. commandant of the African corps? I most undoubtedly did; because I know it is an extremely difficult thing to get officers to join such a corps as that in such a place; and I thought it my duty to take particular care, that whatever officer was appointed to the African corps, should clearly understand, that nothing was to prevent him from joining it.

Whom did you recommend to the other company which was added to the African corps at that time? The other officer that was recommended for the company of the African corps was a lieut. Edward Hare; his Memorial I now hold in my hand, if the House would chuse to have it read. It was forwarded by John Lawson, lieut.-col. of the Catterick Volunteer regiment, and certified by the Duke of Richmond, and by lieut.-col. Grey, the Inspecting Field Officer of the district.

(*By Mr. Wardle.*)

What were the services of capt. Maling's brother, who is, I believe, a captain in the army, who is in the War-Office? There is a capt. Maling, an assistant of mine, in the office of the Commander in Chief; I take for granted that is the person referred to. What his services are as a lieut. I really do not know; I found him as a lieut. in the office of the Commander in Chief; and in consideration of his extraordinary good character, and more than common abilities, the promotions of the army going through his hands under mine, I did recommend him to h. r. h. the Commander in Chief, to be placed upon the half-pay as a Captain, upon which half-pay he most assuredly will be placed as soon as an opportunity offers; but the Commander in Chief has it not in his power.

Do you know whether or not that capt. Maling ever joined and did duty with any regiment? I do not know that he did; and I do not think that he did.

Does not the Commander in Chief require testimonial, that each candidate for the Army shall be at least 16 years of age? That is the general rule; but it sometimes happens that a boy of 15 may be more strong than a boy of 16 or 17; and all that the Commander in Chief requires is, that he shall be competent to do his duty.

Is it not a general order, that every officer shall join his regiment within one month after his appointment, except in some special instance? It is very probable that it may be so, but I really cannot speak to that.

(By Lord Folkestone.)

You are very positive as to the date of the D. of Y.'s going to Weymouth in the summer of 1805; do you know at what time of the day h. r. h. went? Upon my word I cannot speak with any degree of accuracy; but it is the custom of the D. of Y. to travel in the night, and he probably went in the night.

Do you apprehend that he did go in the night? I cannot give a more positive answer than I did before.

[The Witness was directed to withdraw.]

The *Chancellor of the Exchequer* wished to know when the hon. gent. would be prepared to bring forward the next Charge, and which he would commence with.

Mr. *Croker* thought that as the committee had that night heard one of the Charges, and had completely made up their minds upon it, they should come to a decision upon that Charge.

The *Chancellor of the Exchequer* observed, that it was not within the province of the committee to decide upon the Charges. It was their duty to report the evidence to the house, under whose correction they acted.

Lord *Castlereagh* informed the hon. gent. opposite, that he had enquired whether capt. Huxley Sandon had arrived at Portsmouth, that he found he had, and that orders had been sent to him to come up to town.

The *Chancellor of the Exchequer* observed, that if that officer should not arrive in time for the next examination, the hon. member might proceed with some Charge in which his testimony was not necessary. It would be desirable to proceed with the business on Monday, and he begged to know what Charge the hon. gent. meant to bring forward on that day?

Mr. *Wardle* seemed to think Monday too early a day, and said that it was impossible for him to state what particular Charge he should bring forward. (Murmurs.)

Mr. *Sheridan* expressed his surprise, that his hon. friend was not disposed to proceed with this business on Monday, and also to declare the particular Charge which he meant first to adduce. It was impossible but that he himself should be ready, and if the witnesses should not be here at the time, it would be competent to him then to defer the proceeding.

Mr. *Wardle* observed that capt. Huxley Sandon was a material witness in every Charge, and that the probability of his being able to attend on Monday, did not seem to be very great.

Mr. Sec. *Canning* asked which Charge the hon. gent. meant to bring forward first? He was not precluded from fixing on which he pleased; but the committee had a right to see that no delay took place. He would not believe that the hon. gent. would prefer Charges of this serious kind, relying on the absence of the witnesses.

Mr. *Wardle* said he had many reasons for wishing to fix Tuesday instead of Monday. He was not yet able to discover where a Mrs. Shaw lived. He had been told that she was in Bath, and his agent had inquired there, but found she had left it. He believed she would be a material witness. He wished for no unnecessary delay, but he hoped that the usual indulgence of the house would grant him a few days to consider which Charge he should next go into. He would even engage to communicate to-morrow to the rt. hon. gent. in private the Charge he meant next to proceed on, and to give the list of witnesses whose attendance he should require.

Lord *Folkestone* saw no right any gentleman had to compel his hon. friend to proceed in the absence of any of his witnesses. He was asking no more than common indulgence, in desiring that he might have till Monday to fix an early day for proceeding. The business already standing in the order book, for Monday, was more than sufficient for that day.

Mr. Secretary *Canning* said, it might be found that there was enough standing in the order-book for every day of the session; but that was no reason why this important discussion should be delayed. If any of the witnesses were absent, that was enough. But why the hon. member had not made up his mind which Charge he was next to proceed on, he could not possibly conceive.

Mr. *W. Smith* agreed that he could see no reason why the hon. member should not have made up his mind on that subject. But though he could not see it, the hon. gent. might have reasons for it in his own mind, which were perfectly satisfactory. One reason for not fixing the farther proceeding for Monday the hon. gent. had already stated, namely, the absence of Mrs. Shaw. These were Charges of a serious nature, no doubt, but they were also Charges in which the public were interested, and gentlemen would not consult the true character of the house or of the king if the person preferring such Charges was treated with unkindness and browbeating. He thought, on the contrary, that the accuser, as well as the accused, should be treated in the most impartial manner. He thought this justice was the more peculiarly due to the accuser, when a right hon. secretary (Mr. Canning) had thrown out a sort of threat to him, in saying, that infamy must attach somewhere. This threat, however, notwithstanding the high authority and official weight of the quarter from whence it proceeded, would not, as he believed, produce its object. No person on that side of the house where he sat could have any interest in supporting the hon. gent. They had not been consulted on the subject of the Charges, or on the mode of bringing them forward. As the hon. gent. however, relied on himself alone, he should be treated with kindness. It would be odd if gentlemen on the other side of the house, who expressed such anxiety to meet the Charges, should now, by pushing on the hon. member while his proof was incomplete, defeat the very object which they stated they had so much at heart.

Mr. Sec. *Canning* considered it a most unfounded insinuation to construe what he had said into a threat or a supposition that his official weight was to have any influence on the determination of the committee. He should however say, that he believed the hon. gent.'s affectation of candour would have as little weight. The hon. gent. had disclaimed all knowledge or participation in this accusation, both for himself and all those who sat near him on the same benches. He would give the hon. gent. credit as far as he spoke of himself only; but when he spoke of all those around him, he believed he spoke without authority.

Mr. *W. Smith* said, that as to the candour of the right hon. secretary, or his (Mr. Smith's) affectation of candour which he did not possess, he was willing to throw himself on the candour of the house to judge between him and the right hon. gent. As to the other charge, of his having spoken without authority from gentlemen who sat on the same side of the house with him, he had heard similar declarations to that which he himself had made from every person on that side of the house, who had at all spoken on the subject. Of course, therefore, if he had spoken in their names without any actual authority from them to that effect, he had not spoken without some knowledge of their sentiments.

Sir *F. Burdett* said, that after the attack which had been made from the other side of the house, he felt it requisite for him to say, that if this was the way that persons who came forward with accusations were to be assisted by the wisdom of the house, there would be very little encouragement for any member to put himself forward for the detection of any great public abuses. He could not tell who the right hon. secretary alluded to; but, for himself, he would be ashamed to disclaim publicly any thing which a member of parliament might do with perfect propriety. If any member in the house had been consulted on those charges before they were brought in, he might with perfect propriety give his opinion (whatever it might be) upon the subject. For his part, he should continue to discharge his parliamentary duty according to the best of his judgment, without fearing the comments which others might make upon his conduct. He thought his hon. friend entitled to protection, as he had in a very incautious manner exposed himself to considerable obloquy. He would deprecate, as contrary to the ends of justice, any appearance of indecent precipitation in the committee in forcing the hon. gent. to proceed in his charges, at a time that he declared himself not to be quite ready. It did appear to him, that the hon. accuser had acted in the most fair, candid, and even incautious manner; and that much of the reproach which he had unjustly incurred, had arisen from his desire to comply with the indecent hurry of the gentlemen opposite.

Mr. Sec. *Canning* admitted that the hon. baronet had taken a manly part: that he had stated his reasons frankly, and he knew he had ability to maintain them. But, what would be said if there was a person who had secretly advised—who had secretly been consulted, and who sheltered himself in silence under that broad disclaiming shield which an hon. gent. had thrown over himself and his friends? If such a person existed, he must apply to his conduct terms very different from those which he had in justice applied to that of the hon. baronet.

Mr. *Whitbread*, with great warmth, accused the right honourable secretary of making a covert attack on some individual, whom he did not venture openly to denounce, and called upon him, with the same manliness which he had praised so highly in the hon. bart. to name the person to whom he alluded. (A pause of half a minute: cries of "Name! Name!") If the right hon. gent. would not name the person, it must be taken for granted that he had no ground for his insinuation.

Mr. *Barham* called on the right hon. gent. to state the ground of his belief, that his hon. friend (Mr. Smith) stated what he had done without any authority.

Mr. *Canning* said, the hon. gent. himself had admitted it.

Mr. *W. Smith* said it was impossible what he had said in reply could be the foundation for the original insinuation made by the right hon. gentleman.

Mr. *Whitbread* repeated, that this was too serious a thing to be passed over, and he again called on the right hon. gent. to name the person whom he described as having sheltered himself in unmanly silence.

Mr. *Yorke* protested against this unparliamentary mode of calling on one hon. member to name another.

Mr. *Whitbread* replied, that if the right hon. gent. had sat near him, he would not have been surprised at his feelings; when the right hon. secretary, by a direct insinuation, and by his gestures and looks, evidently directed towards himself, had pointed him out as the object of his attack.

Mr. *Fuller*. You had better all go home and go to bed. (A loud laugh.)

The house having resumed, a conversation arose as to the day on which the Committee should meet again.

Mr. *Sheridan* stated, that he had used the freedom some days ago, understanding that his hon. friend (Mr. Wardle) was about to bring forward charges of the kind he had done, to send to him, requesting that he would be cautious how he interfered in the business, he having reason to believe that, with the very best intentions, his hon. friend had lent himself to the designs of a foul conspiracy. He was sorry to understand that his hon. friend had not received that message, for, in the end, he was assured, he would find that he had been decoyed into a foul and unprincipled association. Were we, however, to be told that such grave and important charges—charges by which the vital interests of the country at this critical moment were affected, in which it was a question whether any officer or soldier in the British army ought or ought not to look up with reverence and respect to their head; whether, indeed, he was worthy of continuing a moment longer in the command of the army: were we to be told that in such a case as this any delay ought to be admitted? The hon. gent. forsooth, was not ready to prove his charges! Yes, but he was ready to make them! Of delay in such a case, the honour, the best interests of the country, would not admit. If the hon. gent. chose to make his charges, he must be ready to prove them.

It was at length settled that the Committee should sit again on Tuesday, and that capt. Huxley Sandon, Mr. Donovan, Mrs. Clarke, Mrs. Shaw, &c. be summoned to attend.—Adjourned at twelve o'clock.

HOUSE OF COMMONS.

Monday, February 6.

[THANKS OF THE HOUSE GIVEN TO MAJOR GENERAL FERGUSON.] Major-General Ferguson being come to the house, the Speaker acquainted him, that the house had, upon the 25th of January last, resolved, That the Thanks of this house be given to him for his skilful and gallant exertions against the enemy in the Battles of Roleia and Vimiera, by which he reflected so much lustre on his majesty's arms; and the Speaker gave him the Thanks of the house accordingly, as followeth, viz.

"Major-General Ferguson; Amongst the many high privileges enjoyed under this free constitution, it is of great public advantage, that they who serve their country in the field, may also maintain its rights and assist its councils in the Senate; and this house beholds at all times with peculiar pride and satisfaction those gallant officers, who, returning from foreign wars to resume their duties in this place, appear again amongst us with increased reputation and honour. Whenever the fleets and armies of this country go forth, the nation unremittingly contemplates the progress of their operations; and, looking with anxious hope for a victorious result, it nevertheless confidently expects that, in every event, each of its military leaders will not fail to combine, with a ready skill in the arts of modern warfare, the firm and undaunted courage of his ancestors. These hopes and these expectations you have not disappointed upon the late expedition to Portugal: and your country will long remember with admiration, your intrepid conduct in the battle of Roleia, and your signal display of judgment and valour in the battle of Vimiera. These exploits have obtained for you the Thanks of Parliament, which you will receive not more as the tribute of its gratitude, than as a mark and note of the further services which it expects at your hands. I do, therefore, in the name and by the command of the Commons of this united kingdom, thank you for your skilful and gallant exertions against the enemy in the battles of Roleia and Vimiera, by which you reflected so much lustre on his majesty's arms."

Upon which major-gen. *Ferguson* said, "Mr. Speaker, I beg leave to return my warmest acknowledgements for the high and distinguished honour which this house has been pleased to confer on me.—Having ever considered that the greatest reward which a soldier can attain is the approbation of his country, the Thanks of this house must be received by me with gratitude and pride. I am well aware, however, that I owe this honour not to my own merit, but to my singular good fortune, in commanding such officers and such men as were placed under my immediate orders, and in being myself under the guidance of a general, whose talents, decision, and bravery, justly secured to him the confidence of every man in his army.—Could any thing in my mind enhance the value of the Thanks of this house, it would be the very handsome (but too flattering) manner in which you, sir, have been pleased to communicate them."

[Irish Militia Acts.] Sir *A. Wellesley* in pursuance of notice, moved for leave to bring in a bill for amending and reducing into one, the several Acts for raising and training the Militia in Ireland. The first act respecting the Militia in Ireland had been passed in the year 1793, but the provisions which were then found efficient for the raising and training the then first raised Militia in that country were afterwards found inadequate when the Militia had once been embodied. Consequently, several acts had been passed in the Irish parliament, and since in the imperial parliament, to amend the act of 1793. In these acts there were many provisions which were inconsistent and contradictory; and in bringing forward the measure he proposed, his object was to reduce them all into one, and to amend and class under proper heads the different provisions they contained. Another object he had in view was, to amend the law, as it now stands, respecting the Oath taken by militiamen upon their enlistment. A doubt was entertained whether the men who took the present oath were bound to serve only for five years, or during the war, and this doubt his measure was to remove. Another object he proposed by his bill related to the ballot. As the law at present stood, the governors and deputy governors of counties had no power of compulsion to alter the lists; which he proposed to amend by giving such power, whenever the lord lieutenant shall call for the alteration of the lists. Another provision he meant to introduce was, to enable the lord lieutenant to substitute the mode of parish assessments for the ballot; and also to authorise the governors to raise men for the militia by volunteering. These were the principal provisions of the bill he proposed to bring in, and which he had, since last session, submitted to the consideration of the lord lieutenant and country gentlemen of Ireland, and taken their sense upon them; it was his intention, after the first and second reading of the bill, to suffer it to lie over for a month, in order to give gentlemen time to form a judgment upon its contents. He concluded by moving for leave to bring in the bill; when leave was given accordingly.

[Office of Chief Secretary for Ireland.] Mr. *Whitbread,* in submitting the motion of which he had given notice, should have occasion to trouble the house but shortly, in order to obtain its approbation of the proposition he had to make. During the late campaign a most extraordinary circumstance had taken place, both here and in Ireland, to which he wished to call the attention of the house. The chief secretary for Ireland, and the under secretary of state, both gallant and distinguished officers, had been employed in the military service of their country, and suffered still to retain the civil employments they before held, though it was impossible for them to perform any of the duties annexed to them. He admitted, that in either capacity the country could not be better served; but contended that no office should be held by any person whose absence made it impossible for him to execute its duties. When the war department required every exertion of every public officer, it could not be maintained that the under secretary of state for that department, and the chief secretary for Ireland, could be absent from their offices without material injury to the public service. He had asked a question of the noble lord (Castlereagh) opposite, before his gallant relation had returned, and whilst the other gallant officer was attending the duties of his office in Ireland. The answer respecting the former was most satisfactory, but though it was not his intention to say a word upon that subject in this instance, he must be allowed to say that he thought the noble lord ought to have filled up the appointment during the absence of his relation. The answer respecting the other gallant officer was not equally satisfactory. He allowed that no person possessed in a more eminent degree every qualification for the distinguished command to which he had been appointed, and was equally ready to give him the greatest credit for the manner in which he executed, and the attention which he paid to, the duties of his office of chief secretary for Ireland. But, though he was convinced that no person was better qualified for either situation than that gallant officer, he could never admit, that whilst fighting the battles of his country in Portugal, he was a fit person to retain the office of chief secretary for Ireland. He was sure that gallant officer was too much alive to true glory, to wish that any injurious precedent should be established by any circumstance connected with his individual interests. He might appeal to the chair respecting the duties and emoluments of the office of chief secretary, as that office had been held by the distinguished person in the chair, whose mind had ever been more fixed on the duties than the emoluments of the office. It was to him that the public was indebted for having the duties defined and the emoluments brought forward to public inspection. Though the emoluments were considerable, he did not mean to say that they were greater than the situation merited; but he must insist that if no duties were performed, the public ought not to be called upon to pay. A great deal had been said about the necessity of keeping up the establishment of the office. For his part he was no friend to a paltry economy, but was of opinion that every public officer from the highest to the lowest ought to be paid in proportion to his services. All ought to be liberally remunerated; but then the duties ought to be performed. They had been told that the lord lieutenant was to have appointed a successor to the gallant officer, whenever he should think it fit or necessary. It was naturally to have been expected that the expedition to Zealand would have lasted but a short time, but yet it was his opinion that the office ought to have been even in that instance filled up. From the extensive disturbances which prevailed last summer in Ireland, and the laborious duties of the office being of a two-fold description, both civil and military, together with the weight of correspondence to be sustained, it was not too much for the public to demand, that the efficient members of the government should remain upon the spot. As to the stipulation of the gallant officer, when appointed to the office, that he should not be required to continue secretary, if he should be appointed to any active military command, he could easily give him credit for the feeling which gave preference to military glory. When he had been appointed to his late command, it never could have been expected that it would have been so short as it afterwards turned out, and when the gallant officer had accepted of the command, he should have resigned his civil office, and insisted on a successor being appointed. But as on his return the emoluments of the office would have ceased, if a successor had been appointed, why, he would ask, should they not have ceased as he had not performed the duties? The gallant officer had said that he was not richer from his salary. That he believed, as he did not suppose that any person accepted an office with a view to pecuniary emolument, but rather as an object of honourable ambition. He should not take up more of the time of the house, and if he had been allowed to make a few observations on a former night, he should not have made any motion at all. The Resolution he had to submit, he trusted, would be placed on the journals, and become the means of preventing any person hereafter, whatever his abilities might be, from occupying two incompatible places. The hon. gent. concluded by moving a resolution, "That the Office of Chief Secretary for Ireland is an efficient Office of the highest responsibility, which ought not to be held by any person absent from the realm, and that the emoluments of it ought not to be paid to any person unable to perform the duties."—On the question being put,

Sir *Arthur Wellesley* begged leave to repeat what he had said on a former night upon this subject, and more especially as what he had then said had been misrepresented. When first appointed to the office which he now had the honour to fill, it had been clearly understood by the noble lord at the head of the Irish government, by his noble and hon. friends near him, and by the illustrious person at the head of the army, that his appointment should not preclude him from accepting any military employment in the service of his country. Under these circumstances, when the expedition to Zealand took place, he was employed in it, and also in the expedition to Portugal; and on both occasions it had been clearly understood that he had relinquished all claim to the civil office, if a successor should be appointed. He had retained the office solely at the desire of the lord lieutenant, who thought that he could assist him effectually, as he had already done, by the regulations which he had suggested. The Resolution of the hon. member went to declare, that a certain efficient government should at all times exist in Ireland. He was not disposed to dispute the truth of the abstract proposition; but he would ask the house to pause before it voted such a proposition, and to inquire whether any inconvenience had resulted from his absence, and whether in consequence there had not been an efficient government in Ireland. He would ask the hon. gent. whether any public business had been delayed even 24 hours, or whether all the affairs of the government had not gone on without interruption? Had not the regulations which he had arranged with his grace the duke of Richmond, for the various departments of the state, been carried into effect, and the public service been thereby promoted without intermission? Under these circumstances, he would ask the house to pause before it should vote this abstract proposition, particularly as no inconvenience had resulted from his absence. As to the salary of chief secretary, he allowed it to be large, more even than the salary of a secretary of state. But then the Irish secretary had not the same rank for situation, character, and consideration as a secretary of state, and consequently the salary was given to him not so much for performing the duties, as to enable him to maintain the situation and the character that belonged to it. When he had proceeded to Portugal, the lord lieut. was desirous that he should retain the office of secretary, at the same time declaring, that if he did not return within a certain time, a successor should be appointed. It was at that time uncertain whether he should ever return; but when he did return, as no successor had been appointed, he certainly considered himself entitled to the emoluments of the office. The hon. gent. had said, that if on returning he found another had been appointed, he would not have received the emoluments, and inferred from that, that as he had not performed the duties, he should not receive the salary. Unquestionably, if another had been appointed, he should not have received the salary; but then he would not have had the establishment to maintain, and as whether absent or present, the expence of that establishment was defrayed by him, he had taken the salary. He had trespassed too much upon the attention of the house; but if he had ever supposed that the circumstance would have attracted attention, or that he had not a right to the salary, he should never have received it. The example of his gallant friend he most certainly approved, but he had not thought it right to return the emoluments he had received, because he would not have it supposed that he would shrink from the discussion of any act of his in that house. He could assure the house, however, that he should in no future instance consent to hold his office in the event of his being appointed to a military command.—Sir A. Wellesley then bowed to the chair, and withdrew.

The *Chancellor of the Exchequer* rose, rather for the purpose of moving the previous question, than to confirm the statement of his gallant friend, which could not need any thing to aid its credit with the house. It was, undoubtedly, well understood, both here and in Ireland, that if any inconvenience had been felt, another would have been appointed. But so urgent had been the desire of the duke of Richmond and of his majesty's ministers here, that the gallant general should retain the office, that a successor had not been appointed, because no inconvenience had been felt. If blame was imputable any where, it was not to the right hon. officer, but to his majesty's government. He saw no necessity for the Resolution, and therefore moved the previous question.

Lord H. Petty and lord Castlereagh made a few observations; as did Mr. Whitbread in reply.—The previous question was then carried without a division.

[Poole Writ — Mr. Jeffery.] Lord Folkestone moved the order of the day, for resuming the adjourned debate, on the motion, That the Speaker do issue his warrant for a new Writ for Poole, in the room of Mr. Jeffery, who had accepted the office of consul general in Portugal.—On the debate being resumed, the question was put that a new writ be issued.

Mr. *Bankes* observed, that having given this subject the fullest consideration, he was prepared to state some arguments upon it, if the question had given rise to discussion. The house would not be surprised if the consideration of this question led him to call its attention to the Report of the Committee of Finance, which he had the honour to present to the house at the close of last session: and something had happened within the present session which more particularly called upon him to advert to that report. There was in that report a suggestion respecting those, who, having been ministers at foreign courts, were enjoying pensions for their services. Whether any further reports would be made from that committee, it was not for him to say. The suggestion in the Report recommended, that foreign ministers should, in future, be supplied by a selection from those who were now enjoying pensions for past services. Yet, since the Report was presented, three new appointments had taken place, and the last Gazette added two more to the number, without any one of them having been selected from those who had acquired experience in their line. Upon any principle of public economy, it would be obvious that, generally speaking, such persons alone ought to be appointed, because their pensions would then cease, and so far a beneficial saving accrue to the public. The suggestion was certainly not presumptuous, because, though it recommended the selection generally, it did not exclude deviations from the rule whenever circumstances might render them desirable. It would be found upon a reference to the Report, that the number of persons of the description he alluded to, who were enjoying pensions as stated by him, amounted to between 40 and 50, having a revenue of between 50 and 60,000*l.* annually out of the public purse. It was not his intention or wish to object to the pensions enjoyed by any of those persons, but certainly he was convinced that in granting such pensions, regard ought always to be had to the duration of service. Of the five appointed, two were members of that house; and certainly he did not mean to speak of either with disrespect, still less of lord Amherst who was another of them. But when there were so many as 40 or 50 pensioners who had the advantage of experience, it was surprising that no one of the new appointments had been filled up from that list, as their pensions would cease whilst they continued in office. In Mr. Burke's Bill there was an express provision that, in granting such pensions, regard should be had to the duration of service. But, he was sorry to add, that in later times this bill had been broken in upon. He did not mean invidiously to mention names, though there certainly did appear a few names on the list of pensions whose length of services did not appear to entitle them to the amount of pension granted to them. When we scarcely knew where to send ministers, it seemed to be rather a singular moment for sending out persons without experience, when we had so many retired foreign ministers from whom to select them.

Mr. Secretary *Canning* commented on the hon. gent.'s introduction of subjects into this discussion not at all connected with it. On looking into the matter, he was convinced that Mr. Jeffery by the acceptance of this appointment had vacated his seat so completely, that he was not even eligible to become a candidate for re-election. His hon. friend had, however, completely mistaken the common practice, when he supposed that the appointment to the situation of consul, or secretary of legation, necessarily gave a man a claim to remuneration from the public when his office ceased. The fact was, that pensions were never granted to men for having filled the situation of consul, except under very special circumstances. The appointment of Mr. Jeffery would not cost the country a single farthing, and although a salary was specified of 1,500*l.* per annum, it was because the fees of the office amounted to a much greater sum; and the arrangement was not made with the view of giving Mr. Jeffery any salary out of the public purse, but for the purpose of applying some part of the established profits of the consulate of Lisbon to the advantage of the country in another way. It was, indeed, desirable, in some respects, to give fixed salaries to the consuls in the manner that was done to the American consuls, in order that the government should have the right of restraining them from embarking in trade. It was thought that the excess of the fees of the consulate at Lisbon above the amount of the 1,500*l.* per annum would be sufficient to pay fixed salaries to our consuls at Oporto, St. Ubes, Faro, and any other port in Portugal where it was necessary to have consuls; and by giving them fixed salaries, they might be restrained from engaging in commerce. There certainly was not the slightest idea in the appointment of Mr. Jeffery, of giving that gentleman any claim upon the country for a pension. The hon. gent. was mistaken in supposing that many of the old lists of consuls and secretaries of legation had been pensioned. He believed there was hardly a single instance of it. As for the part that he was responsible for, he could venture to say, that as to those engaged in the lower parts of diplomacy, he had hardly removed one; and there were striking instances, where he had allowed those to remain in the high situation of ambassadors, where political connections were rather with the gentlemen on the other side of the house. The only ambassador he appointed in the place of the former, was lord G. L. Gower, in the place of the marquis of Douglas. The situation of this country and of Russia was at that time such that it was necessary to have an ambassador with whom he could have the most confidential intercourse. Neither of these noble lords had since returned to burden the pension list. He removed no other man without some special reason, except Mr. Drummond; and if he had appointed lord Amherst to a diplomatic situation, it was certainly not with the least idea of his ever claiming a pension for his services, and he would venture to say, that however he might have sinned in the appointments he made, his sin was not against public economy. He then defended the appointments of Mr. Villiers to Portugal, and of Mr. Douglas to Sicily. The latter had been private secretary to lord Pembroke, and was a young man of considerable attention to business. He would never allow the principle that until all the old diplomatists were exhausted and used up, that no young men of talents and attention to business should be taken as recruits.

Mr. *Bankes* cited the instance of a secretary of legation at Dresden who had been pensioned, and of a Mr. Drake, who had been consul at Venice, having been also pensioned. He instanced the same thing in the cases of the consuls at Algiers, Tripoli, and Tunis.

Mr. *Canning* explained. The pension of the first had been granted under peculiar circumstances. It was to a man very far advanced in years, who had been 40 years in the public service. Mr. Drake, the consul at Venice, lost the whole of his fortune on the subversion of the Venetian government. He recommended that he should have a pension, not on the ground of right, but as a case of compassion. In this application he did not succeed.

Mr. *Rose* allowed that the seat of Mr. Jeffery was vacated by his acceptance of the appointment.

Mr. *Johnstone* thought, that if ever the old system of things returned in Europe, and all our consuls were paid fine salaries, they should not be allowed to sit in that house, or otherwise ministers could bring their consuls from Flanders to vote as readily as their friends from Ireland.

[Distillery Bill.] The order of the day being moved for the second reading of this bill,

Sir *James Hall* rose to oppose it on the ground he had formerly done; viz. that it was a bill which in its principle and tendency was adverse to the agricultural interests of the country, and ought not therefore to be continued, without very sufficient reasons being given for such a measure. He was more particular in this opinion at the present moment, as he understood that by the present bill Ireland was to be exempted from its operation; a measure which he thought was by no means just or fair; for as it was intended as a matter of accommodation and benefit to the West India interests, he thought that both countries ought to bear an equal proportion of the burden on their agricultural concerns.

Mr. *Hibbert* thought the measure had

not had sufficient time given it to produce those bad effects; and, it seemed, in general, not to be opposed by a large class of the community, although they took alarm at it last year. He, however, could not approve of exempting one part of the united kingdom from its operation, and allowing it to continue in the other; and, therefore, he wished to know whether the right hon. gent. opposite had taken up that exemption upon grounds of full information? It appeared perfectly uncertain whether Ireland could be exempted with safety to the revenue. He was informed that the licensed distillers of Ireland would have distilled more from sugar than they had done, if the duties had been the same there as in England and Scotland.

Mr. *Foster* answered, that the consequence found to arise from the measure applying to Ireland, was, that more grain had been used in that country, in clandestine distilleries, since June last, than had formerly been used in one year. Not one hogshead of sugar had been used; and as the object of the Bill was avowedly for the purpose of consuming that article, therefore it had entirely failed, and Ireland ought to be exempted from its operation. It had been found, too, that it had materially injured the revenue upon malt in Ireland. The result, indeed, had been, that the people of Ireland, whose feeling was a contempt of the law, and a disposition not to obey it, had taught the present government that that Bill could not be enforced. When the agriculture of the country was put into one scale, and the consumption of sugar into the other, the probability was, that the farmers of the country would have no disposition to suppress the clandestine distilleries. It was found, also, that they even exported corn to foreign countries. It was therefore found improper to put the two countries, Great Britain and Ireland, upon the same footing. The Irish had never been more happy than last year, in having a very fine and large crop of their favourite article of food—potatoes; and therefore less corn had been actually consumed in any other mode than that of distillation.

Mr. *Eden* recapitulated the arguments he had used against the measure last year. Great Britain had been for a considerable time dependent upon her foreign connexions for a supply of food, and therefore when that was cut off, it was impossible but there should be a great rise in the price of provisions. The import was not only entirely stopped, but there had been of late great demands from our colonies, and our military expeditions had operated as drains upon our usual sources of supply. The house was now called upon to seek a remedy against a scarcity, the necessity of which was severely felt and acknowledged; and while he admitted the expediency of the measure, he could not but regret that ministers had actually themselves shut the door against the supply of the granaries, by their conduct towards America; for, in his opinion, the American Embargo was the work of the present ministers. In 1807, the value of the corn, grain, and flour, imported from the United States, amounted to 900,000*l.* It was in their power, in the month of August last, to have removed that obstacle, but, instead of doing so, they had been busily employed in building castles in Spain, in order, as they vainly imagined, to defeat the intentions of Buonaparté in that country. They did not seem at all to advert that the quartern loaf was now fifteen-pence! He wished for a return of moderation in our councils, in order that the channels of importation might be opened to prevent scarcity, and of exportation, or general trade, to relieve more effectually the West India planters.

Mr. *Marriot* thought the measure had not been fairly tried in Ireland. It ought to be inquired into what were the causes of its failure in Ireland. He understood that the Irish distillers complained of the mode of collecting the duties which were imposed; not upon the extent of their stills, but upon the number of gallons of their wash; from which the same number of gallons of spirits could not be produced, as in England. To exempt Ireland from the operation of the Bill, would be encouraging an improper degree of exportation of corn from this country. In every point of view he thought Ireland ought to be included.

The *Chancellor of the Exchequer* argued in favour of the exemption of Ireland, as the bill had been found not to operate there to advantage, either in regard to the revenue, or to the relief of the West India planters.

Mr. *Barham* was of opinion that Ireland should not be excluded from the effects of the bill. He called the attention of the house to the great amount of revenue which the empire would lose by not extending the measure to that country. He cautioned the Chancellor of the Exchequer for Ireland from holding out that the acts of that house could not be enforced in that country. Without wishing to say any thing that could be offensive to that gentleman, he must recollect that he prophesied last session, that the measure *would* fail or *should* fail: if *should* was not the word made use of by the right hon. gent., it sounded as near it as any word he had ever heard; and he that night had avowed he prophesied right. It appeared to him that the right hon gent. was determined it should be so; for last session he put a spoke in the wheel, which prevented the machine from working, by introducing a clause, making the duty on spirits distilled from sugar in Ireland, nearly double what had been paid on spirits distilled from grain. He did not see why Ireland should be screened more than any other part of the empire, and particularly it should not on account of the reason assigned, that the pertinacity of the people would not allow it to be carried into effect. He recommended it to the right hon. gent. to make a proper inquiry before he again asserted that the people of Ireland had rebelled, or set their face against any measure enacted by that house.

Mr. *Foster,* in explanation, observed, that every person who knew him must be convinced that he was not capable of being guilty of the charge alledged by the hon. gent.; but this much he must say, that any person that made such a charge against him, would be capable of committing it himself.

Mr. *Barham,* in explanation, said, it had not been his wish to wound the feelings of the right hon. gent. by the allusions he made, and he prefaced them by an explanation of that nature; but the language the right hon. gent. thought fit to make use of in his explanation, he assured him, if he had made use of in any other place than in that house, he would return it the answer it deserved. He always considered every thing that passed in that house not cognizable out of it; he would, therefore, take no further notice of it.

Mr. *D. Giddy* said, he never could acquiesce in or encourage the distillation from sugar, when it tended to destroy the agriculture of the country.

The bill was then read a second time.

HOUSE OF LORDS.

Tuesday, February 7.

[Conduct of the Duke of York.] The Duke of *Kent* was disposed to present himself to the attention of the house, but without any wish to occupy much of their lordships time. He felt sensible of acting with some degree of irregularity; but he did not know that any opportunity more convenient would be afforded him of declaring his sentiments upon a subject of considerable importance. From the Votes which appeared on their lordships table, he was authorised to advert to a question now under the consideration of the other house of legislature: and he had heard, and he believed, that certain insinuations had gone abroad, whereby the public were led to suppose dissension now existed between himself and his royal brother, whose Conduct was under inquiry. Whatever credit had been given to such reports, they were unfounded and untrue; and he was happy in making the declaration, that no professional dispute had been entertained, nor did there exist any such schism as had been alluded to in the royal family. So far was he from thinking that there was any thing improper in the conduct of his royal brother, he was fully persuaded that all the Charges made against him were false, and would be proved to be without foundation.

[State of the Nation.] The order of the day for summoning their lordships having been read,

Earl *Grosvenor* said, that he rose for the purpose of submitting to their lordships the motion of which he had given notice some days ago. After the recommendation in the Speech, at the opening of the session; after the repeated declarations of ministers, that they were willing every part of their conduct should undergo the strictest investigation, he could not have expected that the smallest objection would be made to the motion he intended to make. Rumours, however, had reached his ears since he came down, that it was intended to oppose it. If it should appear that ministers had disappointed the hopes and expectations of the nation, it was his intention to follow up his motion by an Address to remove them. The important, or rather the calamitous, events that had recently occurred—the portentous state of all Europe—must have made a deep impression on the minds of their lordships. If it should appear that these calamities were principally owing to ministers having misemployed the resources of the nation, there could be no difference of opinion as to the necessity of immediately placing the guidance of the national concerns in abler hands.—Before he went into the consideration of the last campaign, he was anxious to direct their attention to some other subjects. It was now upwards of twenty years since the revolution broke out in France, and in the course of that time the consequences of it had been felt by every nation in Europe. This nation, in consequence of that revolution, had now suffered for 17 years, with the intermission of only a few months, the calamities of war. The question was not whether peace with France, as France now was, would be a benefit. For himself he entertained no hope of peace as long as the hostile mind existed in the ruler of that country. What advantage had been derived from the last peace? Was it not a peace of distrust, of suspicion, of expence? Was there any thing desirable in a peace of that description? No: we must make up our minds to a long and arduous struggle. In any peace that we should make with France, constituted as she at present was, all her energy would be directed in the interval to prepare the means of new hostility, to sap the foundation of our commerce, and to diminish our revenue and our maritime preponderance; both of which were the result of that commerce. The system of France was regular and undeviating. The vast power she had acquired within these few years, was as much owing to her political dexterity as the victories she had obtained. The way for her triumphs was prepared by the total overthrow of the moral and political feelings of the countries whose subjugation she meditated. See what influence Buonaparté had acquired over the Emperor of Russia—how he had induced him to view with complacency acts from which a liberal mind would have shrunk back with horror—how he had induced him to sign the Letter which was lately laid on their lordships table! The calamities of Europe were ascribed in that letter to the stagnation of maritime commerce. Was it to the stagnation of maritime commerce that the overthrow of the Germanic empire, the incorporation of Italy, the subjugation of Switzerland, the overthrow of the independence of Holland, the war between Sweden and Russia, the distracted state of the Ottoman Empire, and the atrocious attack on Spain, were to be attributed? Was it to these, or to the insatiable ambition of every government which had been in France since the commencement of the revolution? Though it was not perfectly regular to allude in that house to what had passed in another place, he could not refrain from taking notice of something that had lately occurred. It was stated, that a conspiracy existed to write down every thing that was noble or illustrious in the country. He was not quite persuaded that such a conspiracy existed, but it was impossible for him to shut his eyes to the licentious and petulant paragraphs of which the press could furnish daily examples. In one of these, a noble friend of his (lord Grenville) was stigmatized on account of some expressions that fell from him in that house in the course of debate, as an abettor of the system of Buonaparté. He lamented that such a blessing as a free press should produce such evils; but if the existing laws were not adequate to repress or correct them, it was high time that the legislature should interpose.—He would now make a few observations on the Campaign in Spain, as that was a principal motive for inducing him to submit his motion to their lordships. Ministers from the beginning appeared to have made up their minds as to the kind of warfare they were disposed to wage. They anticipated triumph, victory, glory. They declared in the Speech at the conclusion of the session, that in the assistance they intended to give, they would be solely guided by the wishes of the Spanish nation. After having disappointed the expectations of Sweden; after having, by promises of assistance, induced his Swedish majesty to suspend the efforts which he would otherwise have made, they recalled the troops that had been sent to co-operate with him, and to this day there was no explanation of any misunderstanding that produced this vacillation in their councils. Before they sent out their expedition, why was it not understood that troops were to be placed under the immediate command of the king of Sweden? The same misconduct was visible in the naval campaign in the Baltic. We had 12 sail of the line in that sea, and yet only two of these were found, at a most critical moment, acting with the Swedish fleet. The number of frigates in that sea was very deficient; and it was in a great measure owing to that deficiency, that the Russian fleet was able to come out and return with so little loss to their ports.—His lordship next adverted to the conduct of the Campaign in Spain. Never, said he, was there an occasion in which the people of this country were so willing to second the views of ministers. The whole nation entertained but one sentiment on the subject, and that was, that the cause of Spain should succeed. The general expression was, that every exertion should be made to assist a great nation struggling for its independence. What was the conduct of ministers? Must they not have been aware that failure would have led to the greatest exultation on the part of the ruler of France? Instead, therefore, of driving the French out of Portugal, they should have assisted the Spaniards to drive the French out of Spain. Ministers, however, pursued a different course. With respect to the points of the Armistice and Convention, they had been so fully considered before, that he should not now allude to them: he must, however, express his disapprobation of the Answer returned to the Address from the citizens of London, as well as the institution of the Board of Inquiry. No satisfactory result could have been expected from it. He also must condemn the recommendation, or the order rather, contained in the Letter from the noble lord at the head of the war department to sir Hew Dalrymple. It would have been a more manly proceeding to have placed sir A. Wellesley at once at the head of the army in Portugal, than to enjoin that he should be consulted on every occasion. Why did not ministers follow the example of lord Spencer, who sent lord Nelson to Egypt, to the prejudice of a senior officer, and by that judicious appointment enabled us to gain the glorious victory of the Nile. An opinion prevailed, that it would have been more consistent with policy to have sent the army to the south of Spain, in the first instance. Ministers, however, adopted another plan. The Convention of Cintra was signed on the 30th of August; and yet, notwithstanding the critical situation of affairs in Spain, and the urgency of giving the most prompt assistance to the people of that country, not a single British soldier marched from Portugal until the beginning of October. When they did send an army into Spain, though they had transports enough in the Tagus to have conveyed them in a few days to Gallicia, or Asturias, they sent them by land. It seemed, throughout the whole of this ill-fated expedition, as if the evil genius of England directed every instruction and impulse that was given to that army. After a pause of some weeks, it made a movement in advance. Again it made a second movement. We might have derived some consolation for the calamitous consequences that resulted from these ill-advised operations, if our armies had marched into the country to make a noble stand; but, instead of this, they marched into the heart of Spain, with the moral certainty of being obliged to retreat. The result of that retreat was fresh in their lordships' recollection. The army lost 4,000 horses, the best that could be provided for the species of service to which they were destined; ammunition to an enormous amount was destroyed; some of the finest artillery in Europe was spiked, the army at the time so dissatisfied as to be nearly in a state of mutiny; officers marching without shoes or stockings, and some of them, the most promising in the service, (he alluded to gen. Anstruther) falling the victim of mental anguish and excessive fatigue. Having reached the ultimate point of retreat, they were detained five days waiting for transports, which, by arriving sooner, would have prevented all the blood that was shed in the gallant action before Corunna. Was it necessary that all these sacrifices should have been made to prove the valorous spirit of Englishmen?—The noble earl next adverted to the treaty with the Junta, and asked when ministers expected it would arrive, or whether it would arrive at all? He trusted they would have no objection to communicate the substance of that treaty, and that they would take care to secure the fleets of Spain, or at least take care that those of France should not again come into the possession of the ruler of France. He was one of those who hoped the affairs of Spain were not desperate; but he was persuaded, that their success must depend rather on the exertions of Spain, than on any assistance we could send her.—In the present situation of the country, the want of a responsible minister was most deeply felt. He did not mean to make any personal attack upon the noble duke at the head of the Treasury; but it was evident that he was not the efficient and responsible minister of the country. Noble lords on the other side might say that they were responsible ministers; but it was impossible that 11 or 12 could be punished — there must be one minister responsible to the country for the acts of his administration. Upon all these grounds, and others connected with the situation of the country, and the events of the last six months, the noble earl contended, that an inquiry was absolutely necessary, and concluded by moving, "That this house do resolve itself into a Committee of the whole house, to take into consideration the State of the Nation."

The Duke of *Montrose* thought the noble earl had not been correctly informed upon many of the topics on which he had spoken: to go through the whole of them, in the manner proposed by the noble earl, would take up at least two sessions. The noble earl had spoken of some improper paragraphs that had appeared in a public journal, reflecting upon the conduct of a noble lord on the other side, his noble friend; others might be quoted reflecting upon the conduct of other noble lords. Agreeing with the noble earl in his sentiments, respecting the liberty of the press, he trusted that if the press went beyond its due limits, its licentiousness would be punished. As to the propriety of any new law, upon the subject of which the noble earl had spoken, he should deliver no opinion until the case was made out. He could only speak upon most of the topics alluded to by the noble earl, from the same information which the noble earl seemed to rely upon, and which had been chiefly derived from the public journals; he did not think, therefore, that the house was at all in a state to go into the inquiry proposed by the noble earl, nor did he think the mode proposed was that which the house ought to adopt. Noble lords, on the other side, had moved for information upon different points, and when in possession of that information, they could bring those points distinctly before the house; but the general inquiry proposed by the noble earl was not, in his opinion, the mode of inquiry which ought to be adopted.—With respect to the campaign in Spain and Portugal, the plan, as far as he was informed, was good, in being, as he contended, an object of great importance to Spain, and also to this country, to free Portugal from the French, thereby relieving the Spaniards from the enemy in their rear, and at the same time opening the Tagus to our trade, and relieving our old ally. It was afterwards intended to support the armies of Blake and Castanos, that if necessary the army of the latter should retreat to the South, and that our army should retreat to Portugal to defend that country against the French. It unfortunately happened that the armies of Blake and Castanos were destroyed, and that there was no Spanish army for our army to join.—With respect to the Convention in Portugal, his majesty's ministers, abiding by the decision of the Court of Inquiry, with respect to the military part of it, had distinctly disapproved of the diplomatic part. With respect to the subject generally, he thought the motion of the noble earl not the mode in which any inquiry ought to be instituted.

The Earl of *Darnley* urged the necessity of inquiry in the mode proposed by the noble earl, by which all the facts might be brought before the house, relating to those events which had happened within the last six months, and which loudly demanded inquiry.

Lord *Grenville* was surprized that any objection should be made to going into the proposed inquiry, after ministers had so recently and repeatedly declared their readiness and their anxiety to meet inquiry with respect to their conduct. By the inquiry proposed by the noble earl, all the facts respecting that conduct would be elicited, and the house enabled to form its judgment. In the course of that inquiry they would be enabled to ascertain the instructions given to officers in command, and the discretion which was left to those officers. It might be said, that ministers were not responsible for the exercise of a discretion entrusted to officers whom they employed, but it was of the utmost importance to the country that the whole subject should become matter of inquiry; and, however their feelings might revolt at entering into any investigation involving the conduct of an officer now no more, yet public duty demanded that they should assert the exercise of that discretion, in order to complete the inquiry which was so absolutely called for. He did not wish to trouble their lordships with a repetition of what he had said before upon topics involved in this discussion, nor could he allude to information not before the house, although that was the only room in the country, in which information long since before the public, was not made the subject of conversation. Amongst other topics it was surely highly necessary to inquire from what cause it arose that our army, sent to Sweden, remained inactive on board the ships which conveyed it there, and that the gallant officer who commanded it, sir John Moore, was obliged to escape almost in disguise. After ministers had so loudly called for inquiry, he could not conceive why they should now oppose it. The mode proposed, was that which had been adopted by parliament upon former occasions, when the state of events appeared to demand it. When the army of Cornwallis surrendered in America, the mode of inquiry proposed, was by a Committee on the State of the Nation, which was, upon that occasion, agreed to for the very purpose of inquiring. It appeared, therefore, that the mode of inquiry proposed by the noble earl, was sanctioned by precedent and the practice of parliament, and he thought it the best that could be adopted on the present occasion.

The *Lord Chancellor* said, that his majesty's ministers, at the prorogation of the last session, had left parliament with the impression that it was the general, and he might say the unanimous opinion, both of the people and the legislature, that every thing ought to be done, which the resources of the country would admit of, in assisting the Spanish nation against the unprincipled and unprovoked attack of their enemy. The question now to be considered was, whether they had executed the trust with which they were charged, conformably to the wishes and expectations of the country? He admitted that the question was of importance, and well worthy of inquiry; but, as ministers had not shrunk from investigation, he could not agree either in the necessity or propriety of a motion of so general a nature as had been proposed by the noble earl this evening. He was willing to allow, that for their conduct upon any of the important measures which had been adopted during the recess, they were responsible; and it was competent for the noble earl, or any other member of that house, to call them to account upon each of these measures individually. But, after 25 years experience in parliament, he could not help thinking, that it required much serious deliberation before their lordships acceded to an enquiry of so general a nature, and which might branch out into such a variety of topics, as that which it was now proposed to institute. If, for example, the noble lord thought that there was any thing relative to the campaign in Portugal, or in Spain, or to the Cintra convention, in which his majesty's ministers were criminally implicated, he might, with perfect propriety, submit a motion to the house upon any of these subjects; which would lead to the investigation of the merits or demerits of their conduct. But he trusted that their lordships, before sanctioning a proposition for so large an inquiry as that which was now moved for, would seriously consider the extensive range which it might afterwards be found necessary to take, and which would occupy so much time that it would completely obstruct the progress of any other public business. It had been said on the first night of the session, by a noble lord, that the misconduct of ministers was so obvious, that no inquiry was necessary to establish it. In reply to this imputation, ministers had then said, "hear us before you condemn us; move for any information you may think proper, and we assure you that we shall be as ready to grant, as you to call for it." Instead of this, however, the noble earl had come forward with a motion, not for a specific inquiry into a particular measure, but for a general inquiry into the State of the Nation, comprehending even the existing laws for regulating the press. As the noble earl had thought proper particularly to advert to the liberty of the press, he (lord Eldon) took this opportunity of expressing his opinion, that the law, as it at present stood, was quite equal to curb its licentiousness, provided it was duly enforced: But he mentioned this subject principally for the purpose of the indefinite extent to which the inquiry moved for by the noble earl might be carried.—His lordship concluded with saying, that if the noble earl was desirous of information respecting the grounds of any part of the conduct of ministers, he would take upon himself to assure him, that it would not be refused to him, even to the most unlimited extent; but he did not think that their lordships would be of opinion, that this was precisely the time to go into an inquiry into all the various topics connected with the general State of the Nation.

Lord *Erskine* contended, that, if ever there was a time at which a motion for general inquiry ought to be entertained, the present was the moment. It was a moment which, of all others that had ever occurred in the history of the country, loudly called for the counsel and interposition of parliament. With what had just fallen from his noble and learned friend upon the woolsack respecting the liberty of the press, he most heartily concurred. He knew nothing on earth which, in his mind, approached nearer to perfection, than the English laws upon this subject; and if breaches of them at any time occurred, he thought that the persons calumniated were more culpable in not resorting to that protection which they held out equally to the characters of all, than the printers and publishers of the libels. Supposing, therefore, that the house were to go into a committee of inquiry, he did not conceive that their attention would be at all directed to any topic connected with the public press. With respect to the suggestion which had fallen from his noble and learned friend of dividing or restricting the inquiry, he hoped that the noble earl would not object to it, provided that he was not excluded from calling for investigation upon any particular subject on which he might conceive information to be necessary. His lordship was of opinion, that ministers were particularly culpable in not having consulted parliament upon the measures which were adopted at so important a crisis; and, above all, in having suffered four months to elapse before they sent any assistance to Spain. An inquiry into their past conduct was especially called for, at a time when another expedition was reported to be in contemplation, and when the whole world was combined against us. On these grounds, the motion should have his most hearty concurrence.

Earl *Grosvenor* professed that he would have no objection to frame his motion in any shape in which the object of it might be best attained, and to divide the inquiry into different branches, if it was supposed that it would be more convenient and eligible to proceed in this method than in that which he had proposed.

The Earl of *Liverpool* acknowledged that the crisis was most important, and that the motion of the noble earl was strictly parliamentary. He acknowledged also, that similar motions had been on former occasions made and agreed to. But in the course of the last twenty years, amid all the awful events which had happened during that time, though motions of a similar nature had been frequently made, in no one instance had they ever been carried into effect. He could not help remarking also, that such motions had been repeatedly made when an administration of which the noble baron (Grenville) was a member, and neither in the case of the retreat from Dunkirk, nor the loss of Holland, had they been acceded to. The reasons for rejecting them on those occasions were the same which should influence his vote on the present; namely, the indefinite nature of such inquiries, and the consideration whether another and more convenient course might not be adopted. The generality of the inquiry moved for, he contended went far to defeat its object. The noble earl had indeed said, that he would have no objection to restrict his motion. But, would it not be better first to call for information, where information was wanted, than to proceed at once to inquiry, and then by this very act in some measure to prejudge ministers, the merits of whose conduct it was the professed object to investigate? This course in the present instance, his lordship thought, was particularly prescribed, because all the facts which he had heard stated, respecting either the loss of our army or the campaign in Portugal, were extremely incorrect. With regard to the campaigns, both in Spain and Portugal, there would not be the least objection to give the fullest possible information, to enable parliament completely to decide upon the conduct of government; and all that he now asked of their lordships, was not to pass a censure upon that conduct before they had the means of judging of it.

The Earl of *Moira* impressed upon their lordships' attention the importance and urgency of the motion for inquiry. Ministers pleaded their innocence: why, then, did they object to the only means of vindicating it, in the face of the country and of the world? The subject of the present evening's discussion was one in which every individual was interested; he trusted, therefore, that their lordships would act under a deep and solemn impression of the importance of the question on which they were called upon to decide. He had asserted on a former night, and he was ready now to maintain, that ministers had been obviously guilty of the grossest misconduct in regard to Sweden, to America, and to Spain. After having embroiled Sweden with Denmark, they had abandoned our ally in his utmost need. In consequence of their refusal to accede to the proposition which had been made by the American government, and the continued suspension of intercourse between the two countries, no flax-seed had been imported into Ireland, which would occasion a stoppage, or at least a decline in the linen manufacture of that country, in which no less than half a million of persons were employed. The noble earl proceeded to take a review of their conduct in regard to Spain. Upon wrong information, received from sir Charles Cotton, that there were only 5,000 French at

Lisbon, they had sent out a force to Portugal, and during the operations in Portugal they had not taken a single step to prepare for the march of our army into Spain. When reinforcements also were sent out to this army, instead of their being sent to join it, they sailed to the remotest point of the peninsula, and to the most barren province in the kingdom which they went to deliver—thus rendering it impossible for the commander, for a considerable time, to undertake any enterprize with the smallest chance of success.—After dilating upon these points at some length, his lordship concluded with conjuring them to pause, and seriously to reflect upon the consequences, before they negatived an inquiry which was so loudly called for, both by past errors and the awful results to which, if not speedily corrected, they might eventually lead.

Lord *Harrowby* said, that the speech of the noble earl did not at all apply to the question before their lordships. He said, he did not want information to criminate ministers, and yet he complained that no information was given; and he would even have this information supplied with a disregard of all the established forms of parliamentary proceeding. In modern times the method now proposed to incipiate this inquiry had been uniformly and wisely rejected. Why had it been abandoned? Because such a mode seemed to presuppose a cause of complaint against those upon whose conduct no examination had been instituted. The regular form was to apply for those documents which noble lords should consider necessary to assist their purpose; and having obtained these, to examine if there were sufficient grounds for any investigation; and on discovering those grounds to proceed upon the inquiry. The intention appeared to be not seriously to execute the duty the motion manifestly suggested—to search into the real state of the country. What he objected to, was not a full exposition of the condition of public affairs, but to those representations of the national concerns which would paralyse the efforts of the country. He admitted, in common with noble lords opposite to him, that it was an important crisis, that there were times, when all the energies of a mighty people were required to meet the dangers with which we were surrounded: he acknowledged, that we stood on an eminence whence we could discern no intermediate landing places to break our fall, and being in this awful situation, he called upon noble lords, on the other side of the house, not to diminish the general enthusiasm, not to infrigidate the public ardour, but to exert all their talents, and employ all their influence to animate that fervid sensibility on which the national security so essentially depends.—His lordship then adverted to the observations used by a noble lord (Grenville), and said it was to be inferred from those observations that the country was in so awful a state, so pregnant with peril and danger, that the influence of parliament would be of little avail; in short, that the country was not merely in a 'sinking state,' but actually sunk. He would not reply to such arguments, however they might tend to delude the public opinion; but ask if it was possible any man could be so blind to the pre-eminent state in which the country was placed among the surrounding nations? That the country was exposed to dangers was manifest, but those dangers had been brought upon us, not by the misconduct of ministers, but by the hatred and ambition of the enemy. England, he said, could not retreat; she must maintain her station, or sink beneath the power of that individual who sought to enslave her.

Lord *Grenville* rose to explain, and complained of his arguments having been mis-stated. He had no wish to delude the public opinion, and was ready to re-state what he had said. Neither did he wish to diffuse despair or despondency, or palsy the efforts and energies of government. The experience of his political life, and the sentiments he had always entertained, were at direct variance with such intentions. What he had said was, that his majesty's ministers were pursuing a line of policy which, if persisted in, would ultimately bring the country to ruin. At the same time his advice was, to stand firm, and if the resources and energies of the country were applied with wisdom and policy, the nation would still maintain its pre-eminent rank among nations. No country stood in so proud a situation with respect to its navy. The army, too, if permitted to exercise its valour and discipline with effect, was alike pre-eminent. The resources of the country were unequalled by any other, and the patriotism of the people, and their willingness to bear the burdens imposed upon them, was unexampled. Indeed, the voluntary contribution of the subject frequently foreran the demand, and gave to the exigencies of the state before it was asked. Notwithstanding these distinguishing features, the evils resulting from the misconduct of ministers were calculated to deprive the country of the natural effects of such advantages, to depress and keep down the energies of the people, and to render useless the resources of the empire, and the valour and enterprize of our fleets and armies. Enterprizes were undertaken without any specific object—armies were sent off without any matured plan of operations, and disembarked where success was impracticable; and the only fortunate result to be calculated upon, was the proportion of disaster that might be ultimately expected, before such armies could be extricated from the peril into which they had been imprudently and unwisely pressed. But he must again repeat, that he was not undervaluing the valour of the country, or under-rating its internal resources and energies, neither did he wish to inculcate despondency or despair, but to increase public confidence and accelerate vigour. But he would also repeat, that if his majesty's ministers persisted in the same ruinous councils they had for some time past adopted, he could see no possible way of saving the country from inevitable and irretrievable ruin.

The question was then put, and the motion for going into a Committee upon the State of the Nation was negatived without a division.

HOUSE OF COMMONS.

Tuesday, February 7.

[Conduct of the Duke of York.] The house resolved itself into a Committee of the whole house, to investigate the conduct of h. r. h. the Duke of York, the Commander in Chief, with regard to Promotions, Exchanges, and Appointments to Commissions in the Army, and Staff of the Army, and in raising Levies for the Army; Mr. Wharton in the Chair.

Mr. JOHN FEW was called in and examined.

(By the Attorney General).

What business do you carry on? An auctioneer.

Do you know Mrs. Clarke? Not now, I do not.

Did you ever know her? In the year 1803.

Where did she then live? In Tavistock-place, next door to Tavistock Chapel.

Did she order any furniture from you? No; at that time I lived in Bernard-street, Russel-square, and I had a share in a glass concern in Holborn. She called: and, by direction of my partner, I waited upon her; it was to consult me about fitting up a Grecian lamp in her back room. After she had talked a little while, I sat down, and drank some wine with her. In the matter of conversation, from one thing leading to another, she seemed to be acquainted with almost every person that I knew. I sat there perhaps about half an hour; a person, whom I understood to be her sister, was present.

Did she represent herself as being a married woman, or a person who had been married? She talked of her late husband, and of her children, who were then at school.

What further passed? Nothing more than general conversation; I conceived that she knew almost every body that I knew. I can hardly describe her to you; for I never met with any person who, on the first interview, behaved so extremely polite and genteel to a stranger: I saw her two or three times, and drank wine with her; and she consulted me about the placing of some glasses, and the size and shape of some figures, whether they were too large for the room.

Did she give any orders to you? Yes; she desired I would have a Grecian lamp made, to fit up in the back room, which I believe came to about 20*l.*

What was the price of that lamp? About 20*l.*, I cannot say exactly; the whole of the account with me was 20*l.* odd.

When was the order given for this lamp? About the middle of May, about the 18th or 20th May; the first delivery to her was the 24th May, 1803.

Did you see any one but Mrs. Clarke at this house? I saw her sister and I saw her mother, but that was subsequent to my bringing an action against her. When I arrested her, she mentioned to me at the time that she had purchased that house of Mr. Burton, and given 1,200*l.* for it: I applied to Mr. Burton, and he corroborated her having bought it, but I do not recollect the amount.

Did you ever observe any thing which led you to believe she was not a widow? I once called, I believe, in the morning, to see whether the lamp was properly hung; or I was asked by an upholsterer to get him a sight of the house, and I saw a cocked hat; I made an observation to the servant, and the servant said her mistress was a gay young widow, and had been at the masquerade the night before, and of course I did not suspect any thing after that.

Were you paid for those articles you furnished? Subsequently I was; I brought an action against her, but I was nonsuited.

How so? I do not understand the distinction, but she either pleaded her coverture, or gave it in evidence; I believe there is a distinction, but I do not know which it was.

You were defeated, upon the ground of her being a married woman? Certainly; I was in court at the time.

(By Mr. Wardle).

Did you ever write any letter to Mrs. C. upon the subject of this demand? I am pretty certain I did not, I am almost certain I did not; do you mean the demand after my action or before; I believe I did not in either case.

Do you recollect writing any letter, threatening to expose her? I cannot say, I might; I drew up a hand-bill and sent it to her, but whether I sent any note to her with that I cannot say; that hand-bill was warning the tradesmen in the neighbourhood of Gloucester-place, from trusting her.

Do you recollect sending the hand-bill to any body else in a letter? Yes, I do recollect, I enclosed one to the D. of Y., directed to Portman-square; I think it was.

Do you recollect whether you wrote to the D. of Y. when you sent the hand-bill? I do not think I made one single letter inside; I am pretty certain I did not.

Are those letters your hand-writing? Yes, this is my hand-writing; I had not the least recollection that I had ever written it.

Is that the hand-bill? Yes, that is the hand-bill; I tried to get a copy of it when I was served with the Order of the House, but could not.

[The hand-bill and letter were delivered in and read.]

"Madam;—As I have not heard from "you in reply to my last letter, I think myself justified in informing you, that in the "course of a week the inclosed hand-bill "will be published, which no doubt will "prevent any other tradesman from subjecting himself to similar treatment. As the "wording of the bill has received the legal "sanction of very able men in the profession, I am perfectly at ease in regard to "any additional threats that may be held out "to me. I remain, Your obedt. serv.

"John Few, jun.
"22 June, 1804."

"Mrs. Clarke, No. 18,
"Gloucester-place, Portman-square."

Caution to Tradesmen.

"This is to give notice to the tradesmen "in the neighbourhood of Portman-square, "that they cannot recover, by law, any debt "from Mrs. Mary Ann Clarke, formerly of "Tavistock-place, Russell-square, but now "of Gloucester-place, she being a married "woman, and her husband now living, "though his place of residence was unknown "even to herself or her mother. These facts "were proved on the trial of an action, lately "brought by a tradesman in Holborn, "against this Mrs. Mary Ann Clarke, for "goods actually sold and delivered to her; "but she availing herself of her coverture "(which, to the great surprise of the plaintiff she contrived to prove), he could not "by law obtain any part of his demand; "and, being consequently non-suited, an "execution for her costs was, by her attorney, actually put into his, the tradesman's "house!!!

"W. Marchant, Printer, 3, Greville Street,
Holborn."

I understand you to have stated, that you were paid your bill; was that subsequent to that hand-bill being published? Of course it must be, I should hardly have published it, if I had had my bill. I received the debt and costs.

Did you recover your bill by any process of law? I could not.

You were paid it entirely through the will of Mrs. C.? It is impossible for me to say; I did not receive it from Mrs. C.

After being non-suited, and after that hand-bill had been published, Mrs. C. paid you your bill? I cannot say it was Mrs. C., I received the money through a Mr. Comrie; it was immaterial to me who paid it.

Did you know Mr. Comrie to be Mrs. C.'s professional man? That was impossible to say, Mr. Stokes defended the action, and afterwards Mr. Comrie paid me the money.

Is Mr. Comrie a lawyer? I believe so.

Do you know that he was Mrs. C.'s lawyer? It is impossible for me to know that, because one defended the action, and then it came to Mr. Comrie; it was impossible for me to tell.

Did Mr. Comrie defend the action against Mrs. C.? No; Mr. Stokes. I believe so, because Mrs. C. told me afterwards, that she never authorized Mr. Stokes to give that plea.

Mr. Comrie paid you the money? By his clerk.

Mr. **THOMAS STOWERS** was called in, and examined.

(By the Attorney General.)

Did you know Mrs. C. before she was married to Mr. C.? I did not.

Did you know her after she was married to Mr. C.? I did.

Do you remember the time when Mr. C. was married to her? I never knew the time.

What business did Mr. C. then carry on? When I first knew Mrs. C., by being wife to Mr. C., he was not in business just at that time; he was a young man.

What business did he afterwards carry on? That of a stone-mason.

Was that soon after his marriage? I cannot speak to that; I did not imagine that he was married so soon as I understood he had an acquaintance with this lady.

Did he carry on the business of a stone-mason while she was living with him? He certainly did.

For how long? Not less than 3 or 4 years.

Was she living with him all that time? As I never visited them, I cannot undertake to say she lived with him all that time, but I conceive she lived with him the principal part of the time.

Had they any children? Not less than 3.

Were those children born during the time he was carrying on the business of a stone-mason? Some of them were.

(By Mr. Wardle.)

Where did Mr. C. live at the time you speak of? The first part of the time he lived in Charles's-square, Hoxton; then he was not in business as a mason.

Was Mrs. C. with him at that period? Certainly she was.

How long did they live there? As I did not visit them, I cannot speak positively; I know it was not less than one year, and, I should imagine, not more than two.

Where did they live afterwards? I do not know of their living any where else, till they went to live in Golden-lane, where he carried on the business of a mason.

When was this? He commenced there somewhere about 1794, and he lived there about 3 or 4 years.

Had Mr. C. a stone-mason's yard there? He had.

At the first place he lived at? In Charles's-square, Hoxton, he lived on his fortune; he had no business.

Did you visit at his house? I never did visit him at any time wherever he lived.

Did you know Mrs. C. by sight? Yes, I did.

Did you know when Mrs. C. parted with her husband? No, indeed, I did not.

You have no guess when she parted from her husband? No further than that it was after they quitted Golden-lane I understood.

Do you recollect who told you so? No; public report.

You know nothing about the matter of your own knowledge? I do not.

Where do you yourself live? In Charterhouse-square.

Mr. JAMES COMRIE was called in, and examined.

(By Mr. Wardle.)

Do you know Mrs. C. I do.

Have you been employed by her in your professional line? I have.

What is your profession? A solicitor.

Had you ever any conversation with the D. of Y. respecting Mrs. C.? In consequence of Mrs. C.'s wishing me to wait upon the D. of Y. I said that I should wish to receive a message for that purpose from h. r. h. I did receive such a message, I think in writing; in consequence of which I waited upon the D. of Y. in Portman-square.

State what passed. The D. of Y. spoke to me upon private professional business; I therefore appeal to the chair, with great submission, whether, under those circumstances, I am bound to divulge it.

[The witness was directed to withdraw.

Mr. *Fuller* objected to any question being put to the witness, which might lead him to disclose the secrets of h. r. h. as his client.

The *Chancellor of the Exchequer* said, he apprehended that it appeared by the witness's own account he was sent for as the solicitor of Mrs. C., and not as the solicitor of the D. of Y., and he was therefore bound to answer the question now put to him by the house.

[The witness was again called in, and informed, that it was the pleasure of the committee that he should answer the last question.]

His r. h. wished to know whether I could raise him the sum of 10,000*l.* upon mortgage.

[The witness was directed to withdraw.

Mr. *Wardle* said, it was because he knew it was impossible for Mrs. C. to obtain money to the extent she did without such aid, that he had said on a former night, that a professional man was introduced to the D. of Y. for that purpose by Mrs. C., and he hoped he should be allowed to prove that fact, more especially as he had been so flatly contradicted upon this point.

Mr. *Adam*, feeling the last remark of the hon. gent. applied to something which had fallen from him on a former night, begged leave now to explain what he did say, and meant to be understood, namely, that the affairs of the D. of Y. with which he was confidentially intimate, were those with which he was charged confidentially as a trustee for liquidating the debts of h. r. h. But with that part of h. r. h.'s revenue reserved for his own private expenditure, he had had no interference.

[The witness was again called in, and proceeded as follows:]

I answered, that I believed I could. His r. h. after some conversation referred me to his man of business, Mr. W. Adam of Bloomsbury-square. H. r. h. asked me if I knew him? I replied, not personally, but by reputation. I mentioned that I knew him to be a man of very high character. Shortly afterwards, I called upon Mr. Adam, and saw him; I think he mentioned that h. r. h. had told him I was to call upon him (Mr. A.); we proceeded to discuss the business, and Mr. A. said that h. r. h. had occasion for that sum, I think he said to complete the purchase of some tithes in the vicinity of Oatlands; I am not quite sure as to that, but I think it was so; and he said h. r. h.'s then solicitors, Messrs. Farrer and Atkinson, would shortly send me the necessary abstracts, which they did. In the mean time, I had applied to a client of mine, a rich client, and he had agreed to lend h. r. h. the money. The abstracts were laid before a conveyancer, Mr. Walker of the Temple. We made some objections, I think, which is usual in those cases, 'questions to be answered:' it generally happens so. The money was ready to be advanced, and the abstracts were returned to Messrs. F. and A. to answer those queries. I should state, that for expedition (for it was mentioned that expedition was necessary) I had copies made of those abstracts to accelerate the business. I returned the abstracts to Messrs. F. and A., but those that I returned were never sent back to me, and the loan was afterwards declined, and Messrs. F. and A. desired me to send in my bill, which I did.

Had you ever any conversation, either at that time or any other, with the D. of Y. about Mrs. C.? I had.

Do you recollect that he ever assigned any reason that was prejudicial to her character, when he parted with her? The D. of Y. stated to me, that he had been served with a subpœna to appear in the court of King's-Bench; I think it was on a trial which was then pending in which Mrs. C. was the defendant; which subpœna had been accompanied by a very severe letter, describing her very improper conduct in having pleaded her coverture to an action brought for goods sold and delivered; and I think, upon a bill of exchange, one or either, I do not immediately recollect which. His r. h. stated that that was the reason which occasioned the separation.

Do you mean to state, that you understood from the D. of Y., that she had done so without his knowledge? He did not state that; but he said, after such a thing as that, it was impossible but that they must separate, or words to that effect.

Did he complain of any other bad conduct in Mrs. C.? I do not recollect that he did. I think h. r. h. said, that he had sent the letter and subpœna to Mr. Adam.

Do you recollect any thing further that passed in the conversation? There was something passed about the allowance to be made Mrs. C.

Do you recollect what that allowance was? His r. h. and Mr. Adam being present, it was mentioned and agreed to, that she should be allowed 400*l.* a year; but it was expressly mentioned that she must pay her own debts. Upon my mentioning the difficulty of that, for she had told me she was very short of money, h. r. h. said it was not in his power then to pay them, but that she had some furniture and valuable articles with which she could easily pay her debts.

[The witness was directed to withdraw.]

The *Chancellor of the Exchequer* appealed to the house and to the hon. gent. whether it was at all proper to proceed any further in a species of interrogation totally foreign from and irrelevant to the subject of enquiry, and which could throw no light whatever upon the charges of corruption preferred by the hon. gent. He would rather, indeed, put it to the good sense and discretion of the hon. gent. himself, whether he thought it would at all contribute to his purpose, or be decorous towards the house, thus to occupy its time with a species of examination so foreign to the object proposed.

Mr. *Wardle* acceded to what appeared to be the wish of the committee, and consequently withdrew the question; but having one or two other questions to ask, desired that the witness should be called in again.

[The witness was again called in.]

Do you recollect paying a bill due to Mr. Few, for Mrs. C.? There was a Mr. Few who had a demand upon Mrs. C., and I paid that; I do not know the amount.

You paid it on her account? I did.

DAVID PEIRSON was called in, and examined as follows:

(*By Mr. Wardle.*)

With whom do you now live as butler? The hon. Mr. Turner.

Did you live as butler in Gloucester-place, when Mrs. C. was under the protection of the Commander in Chief? Yes, I did.

Do you recolluct in the summer of 1805 the D. of Y. going to Weymouth, and Mrs. C. to Worthing? Yes I do.

Do you recollect Ludowick, the servant that used to attend the D. of Y. being ordered by the Duke, on an evening about that period, to take a bank bill out and to get it changed? I do not.

Do you recollect any servant being ordered by the Duke to get a bank note changed? I recollect the housekeeper, Mrs. Favourite, bringing down a bill in a morning, and Ludowick going out and getting it changed and coming back and giving it to Mrs. Favourite again, and she took it up stairs.

Do you recollect any servant being ordered by the Duke to get a bank note changed? No.

Do you recollect Ludowick taking out a bank note to be changed? Yes, I do, on a morning.

Did you hear him ordered to do so by any body? The housekeeper gave him the note; I saw her give him the note, and he took it out.

Do you know the amount of the note? No, I do not.

Did you hear the housekeeper give him the order? Yes, I did.

Do you recollect what order she gave him; in what words? No, I do not in particular recollect what order she gave him; but she gave him a note, and he was to go and get it changed.

Are you positive that that note was not given on the night and the change brought back in the morning? I am positive I saw it given.

(*By Mr. Brand.*)

Was the D. of Y. in Mrs. C.'s house at the time this note was delivered to Ludowick to get changed? Yes, he was up stairs.

(By Mr. Wardle.)

At what time in the morning was this? Near eight o'clock.

Do you know that the Duke was up? I am not certain of that.

(By Sir James Graham.)

How long did you live with Mrs. C. in Gloucester-place? About 15 months.

State whether any and what servants of the D. of Y. came to Gloucester-place during that time? I never saw any one but Ludowick.

Can you state, as far as it came within your own knowledge, that no other servant of the D. of Y. came there? I never saw any other servant of the Duke come to the house, but Ludowick.

(By Mr. Lyttleton.)

In what year, and in what month in what year, did this transaction happen? About 3 years ago.

Do you know the amount of the note? I do not.

Do you mean that this passed about the month of January 1806? I mean in July or August, some time then about; it was hot weather when Mrs. C. went to Worthing; I do not recollect exactly the time, but it was in the summer time.

(By Mr. Lamb.)

How long was it before Mrs. Clarke went to Worthing; was it the day before or two days before or three days before? I do not recollect exactly, but it was a short time before she went to Worthing.

Was it more than three days? I cannot be exactly certain to the time.

(By Mr. Lyttleton.)

Is this the only note that you ever recollect Ludowick to have changed? The only note.

Did Mrs. C. go to Worthing the same day that the Commander in Chief went to Weymouth; did they both leave London the same day? I think the next day in the morning that h. r. h. went away between twelve and one o'clock and Mrs. C. at four or five the next morning.

Was it the morning of the same day that h. r. h. went to Weymouth, that Ludowick took the note out to be changed? It was some morning a little time before.

Captain HUXLEY SANDON was called in, and examined.

(By Mr. Wardle.)

What interest had you in col. French's levy? I was concerned with him in the levy.

In what way and to what extent? A letter of service was given to us both, col. French and capt. Sandon.

Do you know Mrs. Clarke? I do.

Did you or col. French apply to Mrs. C. for her influence with the Commander in Chief, in order to your having this levy? In the first instance we were informed, that it was a person who had great interest with a leading person in this kingdom: we did not know at the moment that it was Mrs. C.

When you discovered it was Mrs. C., state your proceedings. We did not discover it till we had the letter of service.

What passed with the person whom you afterwards discovered to be Mrs. C., before you knew her to be so? We proceeded upon our letter of service.

Who gave you the information that took you to Mrs. C.? Mr. Cockayne, who was my attorney, informed me that if I had any thing particular to ask for in the War-office, or at the Commander in Chief's office, in all probability he could recommend me to a person who could do any thing in that way for me that I chose to request.

Did he recommend you to Mrs. C.? He recommended me to her agent.

Who was her agent? I understood a music-master of the name of Corri.

Through the means of Mr. Corri had you any interview with Mrs. C.? I really do not know.

Had you any interview with Mrs. C.? It was a long time afterwards that I ever saw Mrs. Clarke.

How long afterwards? I should presume a month after the letter was granted; near upon a month; I cannot exactly say, perhaps, to a week; it might be three weeks.

When you had an interview with Mrs. C., can you recollect what passed between yourself and her? Nothing passed between Mrs. C. and myself, because every thing was arranged and settled.

For what purpose did you apply to Mrs. C.? It was settled previous to that; the letter of service was granted, and I had every thing that was asked.

For what did you apply to Mrs. C.? Mrs. C. wished to see me.

What passed when she did see you? Very little. Col. French asked me to go to Mrs. C., who was, as we supposed, the lady, or the person, or the agent, for we did not at that time know whether it was male or female, at least I did not know: when I went to Gloucester-place, I found it to be a female.

Do you know whether col. French had, previously to that, seen Mrs. C.? Most assuredly he had.

Do you know when col. French saw Mrs. C.? No, I cannot pretend to say when.

Do you know whether col. French saw Mrs. C. before he received his letter of service? I rather think not; the letter of service was granted before he saw Mrs. Clarke.

Then you do know when col. French saw Mrs. C.? No, I do not, for col. French was going to Ireland, he was taking that part of the letter of service; the letter of service was so extensive, it was for England, Ireland, and Scotland; he took for Ireland and Scotland, and left me to take that for England.

At this interview between yourself and Mrs. C., what passed? I really cannot recollect.

Do you recollect the substance of it? No, he came to introduce me, merely to say, that was capt. Sandon, and this was Mrs. Clarke.

Do you recollect that the levy was spoken of that day? No; I cannot take upon me to say that it was mentioned.

Can you take upon you to say that it was not mentioned? No, nor can I take upon me to say it was not mentioned.

Do you recollect when you or col. French mentioned the levy to Mrs. C.? Col. French had seen her previous to my having ever seen her.

Had col. French mentioned the levy to her, previous to your seeing her? I really cannot say that.

Of your own knowledge, do you know that the levy had been mentioned to her? I really cannot say, col. French had seen the person who was to get that; he never mentioned to me whether it was male or female.

Who was that person? I really cannot say; I never knew her till I had the pleasure of being introduced to her, and then I found it was Mrs. Clarke.

When was the first time that you recollect having spoken yourself to Mrs. C. upon the subject of the levy? I really do not recollect any thing about it, for this reason, the business was entirely settled between Mrs. C. and col. French, and I thought I had nothing at all to do to interfere in it.

State the way and the terms on which the business was settled between col. French and Mrs. C. and yourself.—Col. French and Mrs. C. made it their agreement, which I did not understand; I was not present when they spoke about it.

What passed between col. French and yourself upon the subject? Of course we wished to get the levy; the letter of service.

What means did you take to get the letter of service? I understood from col. French, that he was to give a certain sum of money for it.

What passed between you and col. French upon the subject?

[The witness was directed to withdraw.]

Sir *A. Pigott* objected to the questions, and wished the hon. gent. to shew how any conversation, which had taken place between the witness and col. French, could be evidence against the D. of York?

Mr. *Beresford,* as the question had been asked, wished it to be answered.

The *Attorney General* had not wished to interrupt the examination, or the course of evidence pursued by the hon. gent.; but as an objection had been taken by his learned friend, he must say, that the evidence was irrelevant.

Lord *Folkestone,* notwithstanding the legal opinion just pronounced, thought that any conversation between the witness and col. French, relative to the means of obtaining the letters of service, ought to be received as evidence upon the charge against the Duke of York.

The *Chancellor of the Exchequer* observed, that the noble lord's argument did not apply to the case, because, putting Mrs. C. out of the question, and supposing the witness and col. French to have conversed upon what passed between the D. of Y. and col. French, his statement of such conversation would not be evidence. If they were to have what passed between col. French and the D. of Y., they must have col. French himself. He had not objected to the course of his examination, because the hon. gent. having had notice not to proceed to the charge respecting col. French's levy without col. French, ought to have been sufficiently prepared, when he did enter on it, to go through with it. Besides, it would have been unpleasant to the house, that the hon. member should, under such circumstances, have been stopped in the course he was pursuing.

Mr. *Yorke* agreed with his right hon. friend, that the course of the examination ought not to be interrupted, because it was desirable that the matter should be sifted to the bottom. Though he did not think that infamy would rest with the hon. gent., yet he was convinced there was something foul in the transaction, and that it would be found that bribes had been given to witnesses on this subject. It was the duty of the house to inquire into the matter to the bottom.

[The witness was again called in, and the question was proposed.]

When I saw him, he told me, as he had before, that he had settled every thing with Mrs. Clarke.

Do you know what were the terms concluded by that settlement? Yes, he informed me that he was to give her 500 guineas.

What further? I understood that he gave her the 500 guineas afterwards.

Do you mean, that that was the only agreement with Mrs. C., upon the subject? I cannot take upon me to say what he made with her, that was the only agreement that I know of.

Did you yourself make any agreement with Mrs. Clarke? None.

You have stated, that of your own knowledge, you were not aware of any other bargain than the 500 guineas? Not till he went to Ireland; but previous to his taking leave of me, he told me that if she wanted more money, I was to give it to her.

To what amount did he authorize you to go? As far as 5 or 6 or 700*l.* more.

Do you recollect any application being made to Mrs. C., for any alteration in the original letter of service? There were a variety of alterations in the letter of service, because the bounty of different recruits were raised; in the first instance, we had it at 13 guineas, the bounty was raised to 19; we thought of course we were entitled to that 19 guineas; we applied to Mrs. C. to get that enlargement, without any occasion for doing it, for of course we could not get men at 13 guineas when the line allowed 19 guineas.

You mean, that the other recruiting parties were allowed 19, and that you were allowed 13? Of course.

And that you were not allowed the 19 till after you had applied to Mrs. C. to use her influence to get the 19 allowed to you? All recruiting parties were precisely in the same situation; though we applied to Mrs. C., it must come otherwise, or our recruiting was at an end; we could not get a man.

You stated, that the other recruiting parties were allowed 19; but that col. French's levy was not then advanced? It was the order from government, that every recruiting party should receive 19 guineas, it was found that the 13 guineas was not sufficient, the bounty was raised; and though we had engaged to do it for 13 we could not do it for that; and on the general bounty being raised, we applied, and had ours raised too.

To whom did you apply? To the Commander in Chief, of course.

Then you did not apply, upon that occasion, to Mrs. C.? There was no occassion for it.

Do you recollect that you ever applied to Mrs. C. upon any other occasion relative to the levy? I do not recollect that we did.

As to boys? That brings something to my recollection about boys, that in every 100 men we were to have ten boys, which were to be allowed the bounty of the men; but the letter of service will state it better than I can, for it is in the letter of service.

Do you mean to state, that there was no alteration made or applied for with regard to boys, after the original letter of service? Not after the letter of service.

What alterations were made in that letter of service? The ten boys to the 100 men.

Was that done through the influence of Mrs. C.? I cannot take upon me to say, for col. French was the person who entirely finished the business with Mrs. C.

Do you recollect that you ever went to the Commander in Chief, in consequence of any communication or message sent to you by Mrs. C., at Lyon's Inn? I do not recollect it in the smallest degree.

Do you recollect any gentleman bringing you a note or message to such effect? I cannot take upon myself to say any thing about it; I do not remember.

Do you know Mr. Dowler? I once had the pleasure of seeing him at Mrs. C.'s.

Do you recollect any thing particular that passed? Not a syllable whatever passed between Mr. Dowler and myself upon the subject.

Do you recollect Mr. Dowler calling upon you at Lyon's Inn? Mr. Dowler was never at my chambers; at least I never saw him there.

Do you recollect that, in consequence of any communication with any person at any time from Mrs. C., you attended on the D. of Y.? I once, in company with col. French, waited upon the Commander in Chief, to return him thanks for having given us the levy. I never saw the Commander in Chief afterwards upon that subject.

State what sum or sums of money were paid to Mrs. C. by yourself, or with your knowledge, upon this levy business. At various times, I conceive that I paid her 800*l.*; it might be 850*l.*, but not more.

Do you recollect giving a check upon Mr. Grant for 200*l.* in favour of Mr. Corri, on account of the levy? Perfectly well; but it was not a check, it was a draft at two months; but it was not for Mrs. C., it was entirely for Mr. Corri, who had acted as the agent from her to Mr. Cockayne, the attorney.

Do you recollect any thing of a loan of 5,000*l.* to the Commander in Chief, that it was in agitation should be advanced him by col. French? I never understood col. French to have 500*l.* in the world; therefore how he could advance five thousand, I cannot tell; for our account with our agent will shew we were very minus indeed, for we owe him 3,800*l.* upon the levy.

You do not recollect any mention of such an advance upon the part of col. French? Most assuredly not.

You have stated, that 500 guineas was to be paid to Mrs. C. at first; and then, that you have paid her from 8 to 900*l.* since? I think 850*l.* I have the exact sums in my pocket-book; it appears by that that it is 850*l.*

Can you state, whether that 850*l.* arose out of any particular agreement, at so much a man raised, or in what proportion Mrs. C. was paid? It was to be general; if our levy had succeeded, we were to have made her a present of perhaps a couple of thousand pounds: It appeared to me there was no explicit agreement that a certain sum should be given. But our levy failed, and we were very much out of pocket; she was the only gainer, I believe, upon the business.

Do you recollect how you remitted her these sums you have mentioned? Generally by bank notes; I generally gave them to her myself.

Did you ever give her any large sum of the 850*l.* at once? 200*l.* was the largest sum I ever gave her at once.

Endeavour to recollect, whether Mr. Dowler did not call upon you at Lyon's-Inn, and that you yourself might state that Mrs. C. was overpaid, and that you had no money for her at that time? No.

You do not recollect any thing of that circumstance? No; Mr. Dowler never called upon me with that message.

Col. French never stated exactly to you the original bargain between him and Mrs. C.? I understood the 500 guineas in the first instance, and 200*l.* to Mr. Corri, and it was left to my discretion to make up the 2,000*l.* as the levy succeeded, or not; if we succeeded in the levy, we might have gone on to the 2,000*l.* perhaps; if not, it was left entirely to my discretion.

(*By Mr. Lyttleton.*)

You have stated, that you never saw Mrs. C. till after the letter of service was granted; but in a former part of your evidence you have stated, that you had some dealings with respect to this business with one Corri, a music-master: what passed between yourself and Mr. Corri? Precisely what I have related; that he was to have 200*l.* for the introduction, and any thing that Mrs. C. and col. French settled; he had nothing more to do with it.

I understand you to have stated that to have passed previous to the granting of the letter of service? The 200*l.* was paid to him after the letter of service was granted; because, if nothing was carried, he was to receive nothing.

This stipulation was made with Mr. Corri, in case he should succeed, by means of Mrs. C. in procuring the letter of service? He did not precisely know what it was we wanted of Mrs. C.; we did not tell him what we wished to speak to Mrs. C. upon.

You mean to state, that you only applied to Mr. Corri for an introduction to Mrs. C., without stating what use you meant to make of that introduction? We certainly did not inform Mr. Corri, the music-master, what we meant to do with Mrs. Clarke.

You mean to state, that you only applied to Mr. Corri for an introduction to Mrs. C., without stating what use you meant to make of that introduction? Mr. Corri spoke to Mr. Cockayne, to make him a friend; Mr. Cockayne was the person that we had to do with upon the business altogether; Mr. Corri had nothing to do with it, he did not know what we were to do with Mrs. C.; it was merely that he could get letters or any proposition conveyed to her.

What passed with Mr. Cockayne? I do not know what passed between him and Mr. Cockayne.

(*By Mr. Herbert.*)

You have mentioned, that several sums were agreed to be paid to Mrs. C.; state whether you know that fact of your own knowledge, or whether it is by hearsay from col. French? The 850*l.* I paid myself; the 500 guineas, I understood from col. French, that he had paid.

(*By Mr. Barry.*)

How often did you see Mrs. C. during the negociation respecting this levy? Previous to the letter of service being granted, I never saw her.

How often did you see her during the whole negociation? I dare say fifty times.

Was any direct application made to the Commander in Chief, upon the subject of this levy, from col. French and yourself? Of course a regular application was made from col. French and myself, to grant us this letter of service; that went through the regular office, and we received the regular answer.

It was long subsequent to that, that you and col. French applied to other individuals upon the subject? That I cannot take upon me to say. Col. French came to town, he had been raising two levies in Ireland, he had raised them with promptness and credit to himself, and great satisfaction to the Commander in Chief; he asked me, whether I would join him in getting the levy, and I imagined that the length of my service entitled me to ask of the Commander in Chief for this levy with col. French.

For what purpose was the sum of 500 guineas promised by col. French to Mrs. C.? When we understood that this music-master could introduce us to a person in very great power, we thought that we had better give the 500*l.* for their assistance, whoever it was, whether male or female; and then in the regular form, we applied to the Commander in Chief.

Had you not reason to believe that the application would be refused, by the Commander in Chief, at that time? It had not been refused, we never had a refusal; we did not put it to the trial. I really cannot say whether the Commander in Chief would refuse it or not, I do not see why he should refuse it.

Had you not reason to believe, that the application would be refused by the Commander in Chief at that time? I had no reason to believe it would be; we had done nothing that was improper, and why should it be refused: I do not think it would have been refused.

If you did not think that the letter of service would be refused, how happened it that any application was made to any other person than the Commander in Chief, and why was a sum of money promised to obtain it? It would facilitate the letter of service when we presented the letter, of course; and that was the reason why we applied to the person in power.

(*By Sir Thomas Turton.*)

How long was the promise of 500 guineas, before the letter of service was granted? It was a long time before we got the letter of service; it was very near upon two months or ten weeks before we got it, after the first proposal.

What was the reason alledged by col. French to you for the further advance of the 7 or 800*l.* He gave me no particular reason; he said that I had better give her that sum; he gave me no particular reason.

Have you any, and what reason to believe, that the letter of service was expedited by the money given to Mrs. C.? My own private opinion was, that it was not; for, I think, she had very little influence with the Commander in Chief.

Have you any reason to believe, that the Commander in Chief was privy to the money given to Mrs. C.? None in the world; I never could have the idea.

Having stated, that you considered the influence of Mrs. C. to be very small, upon what grounds do you found that opinion? The length of time we had in obtaining the letter of service.

(By Mr. Yorke.)

Had you any conversation yourself with Mr. Cockayne, respecting this transaction? No, it was merely we were to be introduced to this person who had great power, and there to state what we wanted to them.

You have continually said, you were informed that a person had an influence with a great personage; by whom were you so informed? Mr. Corri, the music-master.

What communication had you with Mr. Corri, the music-master, with reference to this transaction? He was a client to Mr. Cockayne, and he proposed or mentioned something of this nature to Mr. Cockayne, saying, that if any of his friends were military, and wished any assistance in the War-office, or the office of the Commander in Chief, he could assist them, through his introduction.

What did Mr. Corri mention to you; what personal communication was there between you and Mr. Corri? Nothing more than I say; I saw Mr. Corri once or twice, and he would not tell me the name of the person; but he still persisted, in repeating what I have mentioned, that he had interest with this person.

Did the proposal come from you to Mr. Corri, or from Mr. Corri to you, and in what terms and what manner? Mr. Corri proposed it to Mr. Cockayne, Mr. Cockayne mentioned it to me, and then an interview took place between Mr. Corri and me.

Then I now understand you had a personal communication with Mr. Cockayne yourself? Mr. Cockayne was the person who introduced Mr. Corri to me.

How did he introduce him, and open the subject? Exactly as I have mentioned. This man was a client of Mr. Cockayne; he informed Mr. Cockayne, that if any of his friends were military, and wished for assistance in the War-office, or the Commander in Chief's office, he had a person of his acquaintance that could be of very great use to them.

You are now only stating the conversation between Mr. Cockayne and Mr. Corri; did Mr. Cockayne relate to you, that he had had such a conversation with Mr. Corri, and what he would propose to you in consequence of that conversation? He did relate it to me, and I begged to be introduced, or to have an interview with Mr. Corri.

Did Mr. Cockayne come to search out you, or did you go to search out Mr. Cockayne? I really cannot say; he was a client of Mr. Cockayne; Mr. Cockayne is an attorney.

Mr. Corri was a client of Mr. Cockayne? Yes.

You have been relating a conversation between yourself and Mr. Cockayne; did Mr. Cockayne come to you to inform you of this channel, or did you go to search for Mr. Cockayne? Mr. Cockayne was my attorney; and going there upon other business, he then related this to me.

(By Lord Folkestone.)

Did that interview with Mr. Corri, in which 200*l.* was offered to Mr. Corri for his good services, take place previous to the regular application to the Commander in Chief? No, I believe it was not; we did not mention any thing to him about the 200*l.* then.

When was any thing mentioned about the 200*l.* to Mr. Corri? After the letter of service was granted.

For what purpose was the 200*l.* offered to him? He had previously mentioned, that he expected something for his trouble, in the event of the letter of service being obtained, but no sum was named.

Was the application to Mr. Corri previous to the application to the Commander in Chief? No, certainly not.

Was your first interview with Mr. Corri previous to your regular application to the Commander in Chief? Assuredly.

And, in that interview, it was understood that Mr. Corri would give you his good offices? With his friend, which was Mrs. Clarke.

Was the offer of 500 guineas to Mrs. C. made with your privity? Certainly it was; I empowered col. French to write thus much to the person who we understood was to be our friend in the business.

Was that previous to the regular application? Certainly.

(By Sir Mark Wood.)

Did you ever mention to col. French your idea, that Mrs. C. had not much interest with the Commander in Chief? Repeatedly.

What was col. French's observation? "We had better see what she can do."

Did col. French mention to you the necessity for keeping this transaction secret? Most assuredly he did; certainly.

From whom did you suppose it was to be kept secret? It was required, from the person who was unknown to us, that it should be kept secret.

Do you mean the person who was then unknown to you, as being Mrs. C.? As it proved afterwards.

Do you mean to say, that Mrs. C. required that this transaction should be kept secret? Not a doubt about it; that she requested it upon all occasions; and when I have seen Mrs. C. she requested I would not mention her name, or the Commander in Chief's name.

From whom did Mrs. C. wish it to be kept secret? From all the world, from every body.

Did Mrs. C. ever mention a wish that it

should be kept secret from the D. of Y. her having received any money? Most assuredly, she begged that it might never escape my lips to any body.

Then from conversation you have had with Mrs. C. from time to time, had you reason to suppose that she kept it secret from the D. of Y.? I cannot pretend to say that; I know nothing about what she did with the D. of Y.

Do you mean, in the last answer but one, that she wished you should keep it secret from the D. of Y.? And every body else as well.

I ask particularly as to the D. of Y.? Yes, certainly she did.

(By Mr. Grenfell.)

Was any money paid to Mrs. C. before the letter of service was obtained? No, nothing.

(By Sir Thomas Turton.)

I understand you to have stated, that you have seen Mrs. C. to the number of 50 times; in any of those times did she ever inform you that the D. of Y. was privy to the transaction of her taking any money? Never.

Did she ever at any of those times inform you that the D. of Y. knew of the application to her? No, she did not.

Was the money which was paid to Mrs. C. paid solely on account of col. French, or were you interested in that money yourself? I had part of the levy, and the money that was paid by us was from the joint stock.

When you had conceived, from the delay of the letter of service, that Mrs. C. had very little interest with the D. of Y. with what motive did you consent that your money should be thrown away afterwards to the amount of 850*l.* to a person who had in your opinion no interest? I have only to say, that she persuaded us to the contrary, and said that she had a great deal of influence over the Commander in Chief.

I understood you to say, that you had concluded, from the delay of the letter of service, she had very little interest with the D. of Y. That was my opinion.

And I understood you to say, that, subsequent to the letter, you had paid her 850*l.* consequently your payment of 850*l.* was subsequent to your conviction that she had little interest with the D. of Y.; state therefore why, having that conviction at that time, as you have stated, you consented that your money, to the amount of 850*l.* should be thrown away? It was my opinion, but it was not col. French's.

(By Mr. Beresford.)

Do you recollect the date of your application for the letter of service? No, I do not.

State by what sums the 850*l.* which you paid to Mrs. C. was made up? 100*l.* 100*l.* 200*l.* 100*l.* 150*l.* 100*l.* and 100*l.*

Will you state the dates? I have no dates.

Mr. DOMINIGO CORRI was called in, and examined.

(By Mr. Wardle.)

Do you know col. French and capt. Huxley Sandon? Only capt. Sandon; I never saw col. French.

Do you recollect introducing capt. Sandon to Mrs. C.? I never introduced him; he introduced himself.

Did you give him the direction that enabled him to introduce himself? Quite the contrary; he asked me very often, but I never would tell him: he asked me several times, and I always told him I could not say who the lady was; but he found it out himself, and told me he knew the name of the person, and that col. French had gone to her.

Do you of your own knowledge know what the consequence of their going to her was? Yes.

Say what it was.—Capt. Sandon was introduced to me by Mr. Cockayne; and he told me that he knew that I was acquainted with the lady who had a great influence in the War office; and he told me that if I would speak to this lady, she would have 2,000*l.* for what, I recollect, for the levy of the troops. I told him I would speak to Mrs. C. and so I did; and gave him the answer, that she would try what she could; but she said at the same time, it was a very difficult matter, that she was obliged to break through it gradually, and could recommend nobody but people of character, and qualified for the place, and to go through the War office, as every body else was; and this I told captain Sandon.

Do you of your own knowledge know any thing more of the bargain between Mrs. C. and col. French and capt. Sandon? Yes; capt. Sandon came to me and said that the Duke had screwed them down very hard, and that he could only give 700*l.* "Well," I said, "it is all the same to me what you will give, and I will tell her what you say;" and I told Mrs. C. of this new proposal. In this intermedium, capt. Sandon introduced himself, as I said before, to Mrs. C. and I never heard any more of the business, they settled it by themselves; except in the month of June 1804, Mr. Cockayne sent to me at the coffee-house, the Cannon coffee-house, and he brought a bill, I believe, which I never looked at, for 200*l.* payable to my order, he said, upon Mr. Grant. I did not look at the bill; I put my name, and gave it to Mr. Cockayne, and said, you had better keep it yourself, I am under an obligation to you, you had better keep it. And that was the end of my business.

Do you of your own knowledge know nothing further of the bargain that was made? Nothing more; several people came to me applying to me for places, and I told Mrs. C.; but I never heard any more. She was very anxious to get the Gazette every night, expecting places; but I know nothing more of the parties, for I introduced them to her, and I had nothing more to do with it, and no more business of any sort passed between Mrs. C. and me, except the music.

Have you, since this business came before the house, destroyed any papers? I destroyed a paper in the month of July, the same year, soon after capt. Sandon's business. One day I went to Mrs. C.'s house, and she told me she was coming to me; that there was a terrible noise; that the Duke was very angry, and desired I would burn all papers and letters that I had; consequently I burned all the letters at that time.

Have you burned any papers since this business came before the house? I had none; I have four letters in my pocket now, which I received from Mrs. C. since the 1st January; but I was terrified at that time, and did not like the business, and I destroyed the papers which I had at the time of this transaction immediately after it had taken place.

(By Mr. Lyttleton.)

Are the four letters, which you have now in your pocket, to the same purport with the papers you burned before? No, invitations to go and see her, to go and spend the sixth day of the year with her; the first was an invitation to see her. The first day I went there was the sixth, and she desired me to dine and sup, and to remain the whole evening, which I did; and on the 15th I went and supped there again.

Has Mrs. C. ever stated to you any thing respecting the D. of York's opinion respecting these transactions? She never talked any thing to me; she always told me the same thing she had before, that it was always a very delicate thing to open such matters to the Duke.

When Mrs. C. stated to you that the Duke was very angry at what had passed, upon which statement you burned the papers; did she explain herself any thing further, and state at what the Duke was angry? Yes; she told me at that time that the Duke was watched very close by col. Gordon, and that Mr. Greenwood also watched her motions; therefore she was so situated, she could get nothing almost.

(By Mr. Beresford.)

What was the paper which you destroyed? O, just common things; I could not remember five years ago; a desire to capt. Sandon to go such a day to the War-office, or something of that kind. I was there every day of the year, consequently we had plenty of time for conversation, and she need not send letters to me.

What do you mean by saying you destroyed papers? I mean, that Mrs. C. said to me, that I should destroy every paper, (because the Duke had heard of something of the kind, and he was very angry indeed) "for God's sake;" and my wife was present at this conversation, and she went home and burned the letters; further, she told me that perhaps we should be called where I have the honour to be now.

(By Mr. Croker.)

Did Mrs. C. mean to state, that the D. of Y. suspected that there had been some correspondence between her and capt. Sandon, and that the fear of the Duke's discovering that induced her to desire you to destroy all letters that had passed upon that subject? She was just going to Kensington Gardens at the time, the carriage was at the door, and she said in a great hurry, "For God's sake go home and burn the letters;" and there was very little more passed in the hurry.

You have stated, that you put your name upon a bill for 200*l.* and returned it to Mr. Cockayne, saying that you had obligations to him; do you mean to say, that you got no remuneration or reward for your services in the transaction between Mr. Huxley Sandon and Mrs. C.? None whatever, not one shilling.

What induced you to put your name on that bill? Because Mr. Cockayne told me it was payable to my order; I did not read the bill.

Did you owe Mr. Cockayne any money? Yes; I have Mr. Cockayne's account here from the year 1802 to 1806, debtor and creditor, and not one penny creditor but the 200*l.* which took place in the year 1804.

What obligations did you mean in consideration of which you gave Mr. Cockayne this bill of 200*l.*? I thought, in the first place, that he was entitled to the half, if it had been for us, for I never asked any thing; and I thought he should have the half; and at the time I said, "You may as well keep the whole, you are very welcome;" and he said, it is a very good act of generosity, Mr. Corri.

Do you know whether Mr. Cockayne got the money for that bill? I know nothing about it, he wrote me a letter, thanking me for this act of generosity.

(By Mr. Sheridan.)

In this letter of Mrs. C.'s, which you state yourself to have destroyed, did she express any apprehensions of the D. of Y.'s knowing any thing about the transactions in which yourself and she were concerned? Yes, it was in consequence of that that the Duke had heard something which had transpired, and that he was very angry, and that we should be called to this House.

You have stated, that you have seen Mrs. C. twice since the 1st of January, on the 6th and the 15th; was there any conversation at either of those meetings, when you supped each time, respecting the transaction to which this related? Yes, I was a little surprised, because soon after dinner she sent for the twelfth cake, and they sent, for a compliment, to some gentlemen, and two gentlemen came in the evening; and as soon as they came, the conversation of this affair of Mr. Sandon was introduced, and I repeated every word there just as I have here, that capt. Sandon told me she had received the 500*l.* and Mr. Cockayne had received the 200*l.*; and they were laughing at me, saying what a fool I had been; and this was the topic of the conversation of the whole night almost.

You have stated, that you were surprised at that conversation having been introduced by Mrs. C. that evening; did Mrs. C. assign any reason for introducing that conversation on the arrival of the two gentlemen you have mentioned? No.

Did Mrs. C. allude to any other transaction of a similar nature, before these gentlemen? No, the rest was spent in convivial conversation and merriment, and I left the gentlemen there at twelve o'clock, or a little after twelve, drinking there.

Do you know who the gentlemen were? I could describe the person; one I know, and knew the second time; she did not tell me the first time, but the second time she did, and introduced me to him; she asked me the first time, whether I could tell who he was, I told her he appeared to me to be a lawyer; he laughed very much, this gentleman did, and I knew no more the first time; the second time I could tell you who he was, if you please.

Were the same gentlemen present both upon the 6th and upon the 15th? The 15th, I am not altogether certain as to the little one; the long nosed one, the friend of Mrs. C., he was there, and she introduced me to him; but I believe the other one was there too, from my recollection.

Who was the gentleman whom you do know? Must I tell, for she told me in secret. [The witness was directed to answer the question.] She told me it was Mr. Mellish, the member, who I suppose is in the house.

Do you now know who the other gentleman was? I could describe the figure, if I could see him; my sight is not very plain; but I should not be surprised if he was here.

Was there any other person present besides these two gentlemen? The first time there was a young lady, besides Mrs. Clarke.

Was there no other gentleman present besides those two you have referred to? No; only Mrs. C., a young lady, and two gentlemen, and myself, the first time.

The second time? The second time there was another new gentleman.

Did Mrs. C. inform you who that third gentleman was? Yes, she told me he was a writer of some paper; she told me the name, but I do not remember his name at all; some writer of some paper; and she mentioned some paper, but I forget what paper it was; I took no notice of these things; she said that this man was to take care of her, she was obliged to have him with her to take care of her.

Did that person seem acquainted with the other gentlemen, or either of them? Yes; when he came, he shook hands with Mr. Mellish.

You have stated, that in the letter which you destroyed by Mrs. C.'s desire, she expressed great apprehensions of the Duke's knowing she was concerned in any such transactions; state, upon your recollection, whether or not Mrs. C. did not more than once in this letter express her apprehensions of the D. of Y.'s knowing that she had received money in the way in which it was stated that she had.—I could not remember the contents of the letter; but this conversation was repeatedly with me, to take care that the Duke should know nothing of the kind; this was done every day; and that she was obliged to have great caution, to break the matter cautiously to him.

[The witness was directed to withdraw.]

WILLIAM MELLISH, Esq. a member of the house, attending in his place, was, at his own request, Examined.

(*By Mr. Wardle.*)

Did you meet Mr. Corri at Mrs. C.'s, on the 6th or the 15th of January last? I never was at Mrs. C.'s in my life, nor did I ever see her, to the best of my knowledge, before I saw her here.

Mr. DOMINIGO CORRI was called in again, and examined.

(*By Mr. Mellish.*)

Did you ever see me (Mr. Mellish, the member for the county of Middlesex) at Mrs. C.'s? No, it is not you; but I only say what she said to me; the person I saw was a gentleman of a darker complexion than you; if she tell me a lie, I cannot help it.

(*By the Attorney General.*)

Can you describe the third person you saw at Mrs. C.'s; the newspaper man? Yes, he is a very aukward figure, sallow complexion; I would call him rather an ugly man; very badly dressed; dark hair, and rough in his manner of speaking; he appeared to me not to be an Englishman, he had such a broken accent; he was not elegant in his speaking.

(*By Mr. Beresford.*)

Did the man squint? I think a little, I am not positively sure; if he squinted, it must be on the left side; I sat on his right side. (A laugh)

Was not his name Finnerty? No; I do not remember the name at all, I have a very bad memory for names. She told me the name and the paper. He told me that he had travelled a great deal, and that he had been in Africa; and he said that he did not like any music but Scotch music, and he made me play a tune fifty times over, the same tune over again.

(*By General Phipps.*)

Did the person wear his arm in a sling? No: he wore them very careless, in that way (describing it.)

You have mentioned, that Mrs. C. told you the name of the paper to which he was writer; was he not a writer for the Morning Chronicle? It must be either the Morning Chronicle, The Times, or the Post, one of the three.

(*By Mr. Sheridan.*)

Did you hear any person call him by the name of Finnerty? No.

Have you any reason to think that that is his name, from what you have heard? Nobody told me his name; but we went into the back-room, me and Mrs. C., and left all the gentlemen in the other room, and there she told me about Mr. Mellish and this other person.

You did not hear the name of this other person mentioned at all? No.

Do you know the person of Mr. Finnerty? No; I could not recollect him at all; but I thought the name to be something like a foreign name; if I could see him I could tell.

[The Witness was directed to withdraw.]

WILLIAM DOWLER, Esq., was called in, and examined.

(By Mr. Wardle.)

Are you not just returned from the continent with dispatches? On Thursday last I arrived from Lisbon with dispatches.

Have you known Mrs. C. long? Several years.

How many years have you known her?—I believe 8 or 9 at least; I am not confident.

Do you recollect ever seeing col. French and capt. Huxley Sandon in Gloucester-place, while Mrs. C. was under the protection of the D. of Y.? I have.

Did you ever hear either of them speak to Mrs. C. on the subject of the levy? I have.

Did you ever speak to col. French or capt. Sandon yourself, by desire of Mrs. C., on the subject of the levy? I did.

Do you recollect any conversation that you had with col. French on that subject? I do.

State as nearly as you can, what you recollect to have passed at that time.—I saw col. French several times.

Relate, as nearly as you can, what passed between col. French and yourself upon that subject.—I saw col. French at Mrs. C.'s house, and was informed that he was there on the subject of the letter of service. I asked Mrs. C., from curiosity, the nature of it; she told me; and I recollect perfectly, that I took the liberty of saying that I disapproved, or thought it was exceedingly wrong, such a business, and endeavoured to dissuade Mrs. C. from it. That was one of the conversations I recollect to have had with Mrs. C. upon the subject; it was after col. French left the house that morning.

Do you recollect when you next saw col. French, and had any conversation with him respecting the levy? I cannot recollect when I saw col. French; it is a long time back; but that I did see him several times after that, I perfectly recollect.

State the substance of the conversations, as nearly as you can, that passed between you and col. French on the subject of the levy.—Mrs. C. told me she was to have 1,000*l.* and a guinea a man, as far as my recollection serves me, to be paid on the completion of 500 men, when they were passed. I was likewise present when col. French or capt. Sandon, I am not positive which, paid Mrs. C. 500 guineas of the 1,000 that was first of all promised. Afterwards, I recollect seeing col. French there, and he stated, that there could not possibly be any but the usual bounty given, and that he came, (Mrs. C. was not visible at the moment he came) to request that an increased number of boys should be included in the number of the levy, which he should be able to procure at a less sum than the bounty given for men; and that then he should be able to go on with the service, otherwise, he said, that he should be obliged to abandon it. I do not recollect any thing particular that occurred after that time: but I understand that obstacle was removed with respect to the boys, that col. French's wish was obtained. I cannot speak to that beyond my recollection at this distant time.

Do you recollect any other application of col. French's, to have an obstacle of any other description removed? I do not.

Do you recollect that he requested at any time, that the recruits might be passed nearer the place where they were recruited than the rendezvous at that time was? I recollect that col. French stated, that as he expected to get the greater part of his recruits in Ireland, it would be very difficult and expensive to pass them in the Isle of Wight; but I cannot recollect the particulars of what passed at that time.

You have stated, that you remonstrated with Mrs. C. on this transaction; what answer did she make to you when you so remonstrated; what excuse did she offer? This and other proceedings I frequently mentioned, and endeavoured to dissuade Mrs. C. from having any thing to do with them; she stated, that the D. of Y. was so distressed for money that she could not bear to ask him, and that it was the only way in which her establishment could be supported. I beg leave to state, that in consequence of this, Mrs. C. was offended with my freedom, and I ceased to see or hear from her, for I cannot tell how long, till I think nearly my departure for South America in 1806.

What was the nature of the remonstrance you made with Mrs. C.? I felt that it might implicate her character or the D. of Y.'s at a future time, that was what I told her; that there was a great risk attending it, and I thought it was very dangerous to her reputation and to his.

(By Lord Folkestone.)

In what situation are you? I have lately been in charge of the account department of the commissariat at Lisbon.

How long have you been in the commissariat? Since 1805.

How did you obtain your situation in that department? I purchased it of Mrs. Clarke.

Did you apply directly to Mrs. C. for the appointment? Certainly not; she suggested it to me.

Did you pay any money to Mrs. C. for the benefit you received from it? I first of all gave her 1,000*l.* and at other times other sums to a very considerable amount.

Did you ever make any other direct and regular application to obtain that situation? To no one.

You are positive as to that fact? Positive.

Never to any one but to Mrs. C.? To no individual whatever.

In what department lies the presentation to such appointment as that which you hold? In the treasury.

(By Mr. Yorke.)

In what situation of life had you been before you were appointed to the commissariat; had you ever been in any public office? I had never been in any public office. When my father retired from business, which was within the knowledge of gentlemen who are members of this house, I retired into the country with him; he was a wine-merchant and a merchant in general.

How did you become acquainted with Mrs. C.? Through a gentleman that is deceased, capt. Sutton, whom I had known for some years previous to my knowledge of Mrs. C.

When did capt. Sutton introduce you to Mrs. C., and in what manner and with what view did he so introduce you? He took me to dine at her house; the view was because there were a few musical persons to be there, a musical party; capt. Sutton asked me whether I would go out to dinner with him; and that was the cause of my being introduced to Mrs. C.

When was this? I have said as nearly as possible, about 8 or 9 years perhaps ago, but I am not confident as to the length of time.

In what manner and at what time did you make the proposition to Mrs. C., through her influence to procure the office which you now hold? She made the proposition to me.

In what manner did she make you the offer; and what passed between you upon that occasion, and when was it? She stated that she was extremely pressed for money, and requested that I would assist her, as the D. of Y. had not been punctual in his payments, and I applied to my father in consequence; he hesitated, and I told her I could not furnish her with more money than I had then given her; she then promised, not the situation I now hold, but another; I applied to my father, and he did not seem at the moment to give his consent to it. It was afterwards, a considerable time afterwards, for many months elapsed after the first suggestion was made by Mrs. C. to me, he at last consented to it, if I could be confident it would be a matter that would not become public, if I felt myself secure in it. In consequence of that I was named to the appointment I now hold.

Did you never make any application for the office to any other person; and in what manner was your appointment to the office communicated to you? I never applied to any other person; Mrs. C. told me that I should be appointed sooner by much than I was, and at last stated as the reason why it was put off, because a Mr. Manby, who had been in the 10th regiment of dragoons, was to be first gazetted; my appointment was delayed in consequence of that; I believe it was about two or three months at the utmost before I was gazetted, after Mr. Manby.

In what year was that? 1805.

Was your father apprized of the object you had in view? Certainly.

Might not your father have made application through other friends, for this situation for you? I am certain not.

(By Mr. Huskisson.)

Do you recollect the date of this communication with Mrs. C. respecting this appointment? I do not.

State it as nearly as you can.—I really cannot state it at all correctly, because it was the subject of conversation; it was first of all pointed out to me, the situation of a commissioner of the Lottery, which caused the delay. I understood my appointment was on the point of taken place, but it was set aside because the vacancy that happened was given to Mr. Adams, the Secretary to Mr. Pitt; and then it was suggested to me, that the commissariat was an eligible and gentlemanly employment, and not an inactive one, as I believe the circumstances of my service will sufficiently shew.

Am I to understand from you, that this arrangement, about getting you the situation in the commissariat, arose about the time that Mr. Adams, the Secretary to Mr. Pitt, was appointed a Commissioner of the Lottery? I believe it was afterwards; but they were both the subjects of conversation previous to that.

Was it soon afterwards? I am sorry I cannot state that correctly.

Will you state the year? I do not know the dates, because they were both the subject of conversation before they took place.

Can you state the date of your commission appointing you in the commissariat? I was first in the store department of the commissariat, previous to my going, and after I went to South America; and I was transferred to the account department on my going with Sir A. Wellesley.

Do you know the precise date of your first commission from the Treasury appointing you an assistant commissary of stores and provisions? I think it was in June or July 1805.

Do you know the names of the Lords of the Treasury by whom that commission was signed? My commission is at Lisbon with my luggage; I cannot answer that; as I came with dispatches, it was necessary I should not encumber myself with luggage, and it is there.

Cannot you state, upon your own recollection, the name of any one of the Lords of the Treasury who signed that commission? I cannot.

You also held a commission from the Secretary at War? I believe that commission was made out after my departure, and that it has never been in my possession; but I have no paper to help my recollection.

After your departure for what place? South America.

You have stated, that you received your first commission in June or July 1805? I believe so.

Where were you employed after that time? In the eastern district, Colchester, and Sudbury, in Suffolk.

You have stated that Mr. Manby's commission took place before yours? It did.

And that Mr. Manby's having the precedence over yours, was the cause of the delay in your appointment? Yes.

Do you know the date of Mr. Manby's? I do not; I believe it was the commencement of 1805, but I cannot be positive to the commission of Mr. Manby, as I never saw it.

You stated, that you were appointed, in June or July 1805, assistant commissary of stores and provisions; by whom was the notification of that appointment communicated to you? I was apprized of it a few days before it took place, by Mrs. C.; in consequence of which, I recollect paying her the remainder of the 1,000*l.*

In consequence of this notification being received from Mrs. C., what steps did you take in order to procure the instrument which put you into possession of your appointment? I was apprized that it was at the usual office in the Treasury, and Mr. Vernon was the gentleman, I believe, that signified it to me; I was in expectation of it every Gazette.

Do you know who Mr. Vernon is? I believe Mr. Vernon's is the Office in the Treasury where commissions are left.

Did you understand from Mrs. C., that she made her application direct to any person in the Treasury; or through what channel did you understand from her that that application was made? To the D. of Y.

Is the Committee to understand, that you gave your money to Mrs. C. under the belief that you had been recommended to the Treasury for this situation by h. r. h. the D. of Y., through the influence of Mrs. C.? Certainly.

From the time that you first understood that this application had been made to the Treasury, up to the time that you received this commission, did you take any steps to hasten or to expedite the object of your appointment with Mrs. C., through any other channel whatever? I did not.

Had you had communication with any person connected with the First Lord of the Treasury, or any other gentleman then in the Treasury, on the subject of your expectations of your commission, up to the time that you came to Mr. Vernon's to take out that commission? Never, but mentioning to Mr. Vernon my expectation.

Then you saw Mr. Vernon before you were appointed? Certainly I know Mr. Vernon.

You saw no other person at the Treasury? None.

Between the time in which you state you paid the premium for obtaining this commission, and the time that you actually received it, did you receive any intimation from any person connected with the treasury, that your expectations were favourably entertained? Mr. Vernon mentioned to me one morning when I called there, a gentleman was speaking to him; I was desired to call in five minutes; he said, "I believe you are going to be appointed an assistant commissary," I do not know the exact term, there was a paper going up, and he said, "I have no doubt the appointment will take place, it has been signified from the Board," or some such expression.

Did you receive from Mrs. C., the person whose recommendation you think procured you this situation, any information respecting the progress making towards the completion of the appointment? I have stated what passed between Mrs. C. and myself respecting Mr. Manby's appointment, it was the subject of conversation afterwards; but it was not of that consequence to me, as to make it the subject of particular inquiry.

What, in point of fact, was the distance of time between the money being paid by you and the appointment to the commissariat? I cannot at all tell that.

Not whether it was in the same year? Certainly in the same year.

Within six months? Certainly.

I think you stated, that you had paid some sums of money to Mrs. C., in expectation of getting some appointment, before you paid to her the specific sum that was to lead to this appointment? Not in expectation of getting any appointment.

For what other reason? It was considered merely as a temporary relief to her; she was always stating, "the Duke will have more money shortly, and I will pay you;" and it was obtained from my father at my request, but with no view of any appointment.

Then is the Committee to understand, that the sums of money which you paid to Mrs. C., before you paid this sum for this appointment, were loans made to her without any expectation of any public employment being conferred upon you? Certainly.

(*By Mr. Whitbread.*)

When Mr. Vernon, from whom you received the notification of your appointment, made that notification, in what terms was it made; was it verbally or in writing? Verbally.

What were the terms of it? "I believe, Mr. Dowler, you are going to be appointed an assistant commissary," as far as I can recollect the expression.

In what terms did Mr. Vernon intimate to you, that you were actually appointed? The intimation was, that the appointment was in a train, not that I was actually appointed.

From whose hands, or from whom did you actually receive the warrant of your appointment? I believe from Mr. Vernon; there are fees paid upon them, and I am not certain whether myself or a friend received the commission, and paid the fees, or not.

You do not recollect whether you received it from Mr. Vernon's hand or not? I do not.

Do you recollect whether you received it in any letter from Mr. Vernon? I believe not, I am not confident, I cannot charge my memory with a circumstance which I did not consider of any consequence, at the distance of from 1805 to the present time; I am here very reluctantly; I am just arrived in England, and had but yesterday a summons to attend this house very unexpectedly.

(By Mr. Alderman Combe.)

From the time you have received the appointment in the commissariat, to the present time, have you never ascribed your appointment to any other interest but that of Mrs. C.? I stated, that Mrs. C. did not give me the appointment I hold, and that was the only answer I ever gave; I bought it.

Was not your father a common-councilman of the city of London? He was, for many years.

Did he not represent the same ward of the city of London of which sir Brook Watson was the alderman? He did.

Do you recollect a conversation that passed between yourself and me (Mr. Alderman Combe) at the top of the Haymarket, after you had received the appointment? I recollect seeing Mr. Combe, but what occurred I cannot possibly tell.

Do you recollect this having passed, that I congratulated you upon what I had heard, as to your having received an appointment in the commissariat, and that I put the question, Whether you had received it from the favour of Mrs. C., or the patronage and favour of sir Brook Watson? I have no recollection of the conversation that passed from Mr. Combe, but his congratulation to me; he was on horseback; I think the horse did not stand very still, and I ran into the middle of the street, to ask Mr. Combe how he did.

Are you quite certain, that to that question you did not answer, that it was entirely by the favour of sir Brook Watson? Upon my honour I cannot recollect what passed, as I have before stated.

Will you undertake to say positively, that you did not at that time say it was by the favour of sir Brook Watson? I cannot say positively, but I state what I stated before, that Mrs. C. did not give me the appointment; and many mistakes have occurred upon that, by persons supposing that I received it without having purchased it, which is the fact.

(By Mr. Sheridan.)

When you made the remonstrance you have stated, to Mrs. C., did she endeavour to allay your apprehensions with respect to herself, by any suggestion that the D. of Y. was privy to her taking money on such an occasion? I cannot say what conversation arose, except that she was offended with my freedom.

Did you not consider Mrs. C. as placing a very particular confidence in you, for a long course of years? On these occasions I thought so; but as my opinion did not accord with hers, communication very soon ceased on such subjects.

Is the Committee to understand, that Mrs. C. did not give you any reason to think that the D. of Y. knew of her taking that money? She gave me reason always to think that the D. of Y. was perfectly acquainted with it.

Do you not recollect that the transaction respecting col. French and major Sandon was in 1804? I do not recollect the time of the transaction.

Do you recollect whether it was before or after your giving Mrs. C. the 1,000*l.* for the purchase, as you term it, of the place for you in the commissariat? My expostulation with Mrs. C. on the subject of col. French, was previous to my appointment in the commissariat, I believe so, as far as my recollection goes; but I trust at this distance of time I shall be excused, if I am imperfect as to the dates.

The transaction with col. French was in 1804? I have a belief that it was so; but, not being positive, I would not venture to say that of which I am not sure.

If, from respect to Mrs. C., you thought it right to remonstrate and expostulate against the transaction with col. French in 1804, why did you yourself in 1805 bribe her with 1,000*l.* to get an office for you? Because she was peculiarly distressed for money at the moment, and because the appointment would remain a secret in my breast, and nothing but such an inquiry as this could possibly have drawn it from me. The D. of Y.'s character and Mrs. C.'s would never have suffered from that which unfortunately I am now obliged to communicate to this house.

Then the Committee is to understand that your only reason for remonstrating and expostulating with Mrs. C., was not against the impropriety of the act, but on account of the risk of a discovery? For both reasons, and her answer, as far as I recollect, was this: I stated to Mrs. C. the anxiety and trouble that it seemed to have occasioned to her in this business of col. French's; and that I advised her, by all means, to have a regular payment from the D. of Y., instead of meddling with such matters; and she told me, that he really had not the money.

Although then you might think the secret safer with you, did you not feel the impropriety of the act equally applied to your own transaction? I was principally induced to it from the difficulty and embarrassed situation she was in at the moment I purchased the situation.

You have stated, that Mrs. C. was so much offended with your expostulation and remonstrances, that you saw very little of her since? Not so frequently as before, by much.

[The following Question and Answer, given by the Witness in the former part of his Examination, were read.]

"You have stated, that you remonstrated

"with Mrs. C. on this transaction; what "answer did she make to you when you so "remonstrated; what excuse did she offer?" "This and other proceedings I frequently "mentioned, and endeavoured to dissuade "Mrs. C. from having any thing to do with "them. She stated, that the D. of Y. was so "distressed for money that she could not "bear to ask him; and that it was the only "way in which her establishment could be "supported. I beg leave to state, that, in "consequence of this, Mrs. C. was offended "with my freedom, and I ceased to see or "hear from her, for I cannot tell how long, "till I think nearly my departure for South "America in 1806."

(Mr. *Dowler.*) I beg leave to amend that; That I saw her less frequently during the interval; not so frequently as I had seen her before: it produced a great deal of anger in Mrs. C., my taking the liberty of giving my advice, as I have stated.

(*By Mr. A. Baring.*)

Were you personally acquainted with sir Brook Watson? Not sufficiently so to bow to him even passing in the street.

Do you know whether your father was acquainted with sir Brook? He was, but not intimately, not on terms of particular intimacy; he dined with him once a year with the common-councilmen of the ward, that was the utmost intimacy I know of subsisting between them.

Did you never hear your father say that sir Brook had interceded, or would intercede, to procure you a situation under government? Never.

(*By Mr. Yorke.*)

You have stated, that besides the 1,000*l.* you paid Mrs. C., you paid her large sums at different times; can you state the whole amount of the sums you have paid to Mrs. C. at those different times? I cannot recollect the amount of them, but I recollect particularly that I paid 170*l.* or guineas for a vis-a-vis to capt. Warner, who was going abroad, and she told me she should have the money in from the D. of Y. in a few days to pay me.

Did they amount altogether to 1,000*l.*? I am unable to state, I kept no account.

What is the amount of the pay with emoluments of the office which you hold? In England, on the home staff, the pay of an Assistant Commissary is 15*s.* a day, with various deductions.

Is that the whole emolument? There is an allowance for lodgings when you are not in barracks or billetted, but that ceases if you are billetted.

What were the emoluments of the office which you held before your last promotion, when you first obtained the situation under government? The first office was that of Assistant Commissary of Stores, the emoluments of which I have stated.

What do the emoluments of the present situation which you hold amount to? There is an extra five shillings, called Treasury Pay, given to the officers of the commissariat on foreign service, subject to the deductions of income tax, and others that are usual.

Did you obtain that promotion or change of your situation from any interest on the part of any body, or was it granted without application to any body? It was granted on my application to Mr. Harrison, in consequence, I would take the liberty of adding, of my stating to Mr. Harrison that I had suffered in my health from being in South America; I did not wish to avoid foreign service, but was unable to go through the fatigue of the Store Department; but that if their lordships thought proper, I conceived myself able, and was willing, to undertake that of the Account Department. Mr. Harrison replied, I will see about it. He went out of his office, and returned in a few moments, and said he could see no objection, if it was not objectionable to the person going at the head of the department. The pay of the two departments is the same.

Do not you conceive it probable, that, from the respectable situation your father held in the corporation of the city of London, you might be likely to have several friends who interceded with government for the office to which you were first appointed? I believe not.

You have stated your belief, that the D. of Y. was acquainted with the circumstance of Mrs. C. taking this money; can you state what circumstances induce you to entertain that belief? The assurance of Mrs. Clarke.

You know of no other circumstances but the declaration of Mrs. C., to induce you to that opinion; no circumstances have occurred to corroborate that opinion? With respect to the money of course I cannot, but she said I should be gazetted very shortly, and I was so.

So that that opinion which you have given to the house was founded solely on the declaration of Mrs. C., without any other corroborating circumstance? Of course I had no communication with the D. of Y., and it was her declaration alone which led me to believe that he knew it, and my subsequent appointment.

(*By Mr. Vansittart.*)

Did you ever tell Mr. Vernon at the Treasury, at the time you received your appointment, that you owed it to the influence of Mrs. C., or at any time before, that you expected it from her interest? I do not recollect having any conversation with Mr. Vernon upon that subject.

Were you not, previous to your appointment, ever introduced to one of the secretaries of the treasury, or some other gentleman there? I never was introduced to either of the secretaries of the treasury, to my recollection; I have not the knowledge of the person of any one of the gentlemen who were then secretaries of the treasury.

Or one of the chief clerks? Not to my recollection.

(By Mr. Huskisson.)

Before you received your appointment from the treasury, were you not referred to the Comptrollers of Army Accounts, to be examined as to your fitness to be a commissary? I was.

Do you recollect what interval there was between that reference and your appointment? I do not.

From whom did you receive the letter of reference to the Comptrollers? I am not certain, but I recollect the circumstances of my going to the Comptrollers office; I saw the secretary; Mr. Fauquier, I think his name was, gave me the usual questions which were put, which I was to answer on a sheet of paper, what my habits of life had been, my knowledge of business, and so on; those I answered; and he said the Comptrollers were not then sitting, but if I was required further, he would let me know.

Do you know whether you received that letter from Mr. Vernon? I did not.

State to the Committee in what situation on the commissariat's staff you were employed immediately before you were sent on service in Portugal? The accounts of the commissary general were not made up, or rather my accounts, which are the last, having been kept at Buenos Ayres after the departure of the army, having been sent there to pay for the supply of the army and the navy on their return home; and I was apprized by Mr. Bullock, that I was placed on half pay, which could be but a few weeks previous to my departure for Portugal; and the day previous to my departure, I was the whole day with Mr. Bullock, finally settling our accounts.

You were Assistant Commissary, under Mr. Bullock, of stores and provisions, in the expedition to Buenos Ayres? I was.

Not being wanted at your return, you were placed on half pay, as soon as your services could be dispensed with? I was surprised to find that I was placed on half pay, though I believe it was but for a very few weeks, because my accounts with Mr. Bullock were not settled, and I resided in London in consequence of it.

Were you placed on half pay by any order of the Treasury? I was only apprized of it through Mr. Bullock, I do not know that it was the fact.

Do you know on what recommendation you were sent on service to Portugal? I do not, Mr. Coffin told me that he had not suggested my name.

Do you know whether Mr. Coffin, the commissary general, was called upon on the occasion of the Expeditions to Portugal and Spain, to furnish the treasury with a list of all assistant commissaries who were upon half pay, or not otherwise wanted on services in England, in order that they might be sent on service to those countries, without making fresh appointments? Mr. Bullock called upon me at the coffee-house where I had resided, and told me he had been informed that morning, that I was put down for the expedition under sir A. Wellesley; I was in bad health, and had been constantly occupied, and he knew that well; and he said, I would advise your going to the commissary general's, in Great George-street, tomorrow.

When you went to the commissary general's, were you told to hold yourself in readiness for foreign service? I think Mr. Coffin, or Mr. Morse, said to me, Well are you ready to be sent again? I said, I hope not just yet. I think Mr. Coffin came out, and said, I did not suggest your name to the Treasury, I assure you; or that Mr. Morse said, he believed that Mr. Coffin had not done so.

Had you made no application or interest to go upon this service? Certainly not, except that which I made to Mr. Harrison, finding I was appointed to the Store Department.

Up to the period that you applied to Mr. Harrison, requesting that you might be changed from the department of Stores to the department of the Accounts, had you any reason, except that you could perform it with more satisfaction; did you consider it any promotion in the service? Certainly not, for I believe it is certain that there is a greater chance of promotion in the Store Department, from its activity, and that activity being in the eye of the Commander in Chief, than being in the Account Department.

(By Mr. Bootle.)

Before you were in the Commissaries Department, what was your profession of life? I was a long time, after my father quitted London and quitted business, without any kind of occupation; my father's liberality rendered it unnecessary for me for some time previous to my appointment.

Before you were appointed to the Commissariat, did you not follow the business of a stock-broker? Some years previous to that, I believe in 1800, or 1801; I am not certain precisely as to dates.

Why did you quit that line of life, and when? It was my father's desire; and besides that, in consequence of peace first, and afterwards the renewal of hostilities, I lost a great deal of money by the failure of different persons, and my father was constantly urging me to quit it, as a very hazardous and dangerous employment.

Then your resignation of that profession was after the breaking out of hostilities? I am pretty sure it was.

How soon after did you pay 1,000*l.* to Mrs. C. for this situation? My father paid it; my father gave me the money for it.

Was that the only reason assigned for your leaving your business of a stock-broker, or was it not from embarrassed circumstances in the Alley? I was invited to stay in the Stock Exchange by some of the members, but my father would not consent to it.

Did you pay all your differences? I paid my last shilling, and involved myself considerably.

Did you pay all your differences? I have never seen the paper, nor my books of the Stock Exchange, because they were delivered immediately into the hands of the committee; they were requested to be examined, and to this moment I have not received them back. All the differences would be that which you lose by the failure of others; and among others, E. P. Solomons and Mr. Cope were deficit to the amount of 5 or 6,000*l.* to me, which was the cause of my leaving the Stock Exchange.

(By the Chancellor of the Exchequer).

Have you paid the debts due from you, at the time of your quitting the Stock Exchange? Certainly not; because these are debts due from me in point of honour, as it is a place where many of the transactions are not legal: these are due from me; they came suddenly on me; and I believe they are the only transactions that I had with those persons.

Do you recollect at what time your quitting the Stock Exchange took place? The date I cannot tell; it was the time of the failure of Mr. E. P. Solomons and Mr. Cope.

It is a pretty important event in your life; do not you recollect when it occurred? No; not unless I had my papers; I was endeavouring to recollect this morning; but I have not a particle of paper here; I expect my things from Lisbon; and I could tell if I had my banker's book.

You have stated, that you had at various times lent money to Mrs. C.; had you lent any money to Mrs. C., previous to your quitting the Stock Exchange? I do not believe I had.

Had you given any money to Mrs. C., previous to your quitting the Stock Exchange? I do not believe that I had.

Were you acquainted with Mrs. C., previous to your quitting the Stock Exchange? Certainly.

For how long? I must refer to the former answer I have made, that I had known Mrs. C. several years.

Do you recollect the first time you either lent or gave any money to Mrs. C.? I do not.

How long ago might it be, two or three or four years ago? I wish I could answer the question, but it is impossible; I have not any recollection upon the subject that can be called accurate, or near it.

Was it all in one year, or in different years? Of the 1,000*l.* 200*l.* was first given her, and afterwards the 800*l.*

Were these the only sums that you ever lent her? I have stated before, that I have lent her sums at different times, which I had always been assured would be repaid, amounting to a considerable sum, which I cannot recollect exactly, but which never were repaid.

Do you mean to state, that you lent various sums of money to a considerable amount, expecting them to be repaid, and yet have no recollection of what they were? Except the 170 guineas for the vis-a-vis, I have no recollection of the precise sums.

Do you mean to state, that they were loans to Mrs. Clarke? Yes.

Had you any security for those sums of money that you lent to her? None.

Did you take any memorandum of the sums that you lent to her? I am pretty sure not.

And those sums were to a considerable amount, at various times, for which you took no memorandum? I have taken none.

You arrived from Portugal on Thursday last? Yes.

Have you seen Mrs. C. since your return from Portugal? Yes.

When did you see Mrs. C., since your return from Portugal? On Sunday last.

Have you seen her since? I saw her just now, in the witness's room.

Was any body with Mrs. C. when you saw her? I waited upon her, to request that I might not be called upon as a witness; seeing the circumstance of col. French's levy in the newspaper, I saw her address in the newspaper.

Was any body with Mrs. C. when you called upon her? Nobody but a young lady or two.

What conversation passed between Mrs. C. and you when you called upon her? I lamented the situation in which I found her placed, as to the notoriety of this, and that I had always told her I was fearful it would become known; and she said the D. of Y. to the best of my recollection, had driven her to it by not paying her debts, and not being punctual in the annuity, as she termed it, that she was to receive from him.

She told you that the D. of Y. had driven her to this proceeding, by not paying her debts, and not being punctual in the annuity that she was to receive from him? I do not know that she said he had driven her to it; my conversation was as short as possible, merely to request that I might not be called upon.

Had you seen Mrs. C. before you went to Portugal, in the course of last summer? Yes.

Frequently? I cannot positively state how frequently.

Do you recollect what was the last time you lent her or gave her money? I do not indeed.

Have you lent or given her any money since the time of your appointment to the Commissariat? Upon my word I cannot recollect; if it has been, it must be very trifling.

(By Mr. Hiley Addington.)

Can you positively assert, that neither you nor any other person connected with you, solicited sir Brook Watson to support the interest which you supposed to be making for you at the treasury, to procure the appointment in the commissariat department? Never to my knowledge.

Did you know that sir Brook was frequently consulted at the Treasury in making out commissariat departments? I was not acquainted with that circumstance; but I was not at all known, and I did not even bow to sir Brook if we met; I was not on sufficiently good terms with sir Brook to think he would aid me in the appointment; on the contrary, when I waited on him, having received my commission, he did not seem to know me, and ordered me to depart the next morning.

Can you say whether sir Brook knew that interest was making in your favour at the Treasury for that appointment? I know nothing of that circumstance.

Can you positively say that sir Brook did not, to the best of your knowledge, make any application to assist with his recommendation the interest making for your appointment? I believe, to the best of my knowledge, that he did not aid me in procuring the appointment.

Have you always and uniformly represented that Mrs. C. was the author of your appointment? I avoided saying any thing upon the subject as much as possible.

(By Sir Arthur Piggott.)

Did you ever at any time say that you owed your appointment to sir Brook Watson? I have not any recollection of saying so, to the best of my belief; but it is hardly possible to recollect circumstances of such long standing; I always, to shield Mrs. C. and to prevent any suspicion, said, that she did not give me the appointment, and therefore I confine myself to the truth intentionally; I gave that answer when I was pressed by persons who knew me; they might conjecture, but I always avoided the question as much as possible, and few persons took the liberty of asking me.

If you ever said you owed your appointment to sir Brook, could you ever have forgotten it? The errors of memory are so great, that I cannot positively speak to such a thing, but I should imagine I never did say so; trusting to one's recollection at a length of time is a very arduous task.

Do you admit, that you might have said to some person or other that you owed your appointment to sir Brook, and have forgotten that you said so? I do not think that I ever said so, but I do not pledge myself to say that I never did say so; but I do not believe it.

Do you admit, that you might have said to some person or other that you owed your appointment to sir Brook, and have forgotten that you said so? I have answered that question to the best of my knowledge.

WILLIAM HUSKISSON, Esq. a member of the House, attending in his place, was examined.

(By Mr. Calcraft.)

I believe you were Secretary of the Treasury in the months of May, June and July in the year 1805? I was.

Will you acquaint the Committee what is the course of application for appointments of this kind to the Treasury; and whether you recollect any application either of Mr. Rd. Manby, or of the gentleman who has just been examined? The course of application for appointments of this natnre, and all other appointments in the gift of the Treasury, as far as I know, is this: that an application is either made directly to the first lord of the Treasury or the Chancellor of the Exchequer, or more indirectly to those persons through the channel of one of the Secretaries of the Treasury, or the private Secretaries of those persons: sometimes, nay frequently, applications are made verbally either to the first lord of the Treasury or to the Chancellor of the Exchequer, who makes a memorandum of the application, and it is then noted in the memorandum-book kept by his private secretary, or communicated to the Secretary of the Treasury, to be noted in a memorandum book kept there; If any application is made for an appointment on official grounds, that is made certainly in a different shape; it would then be presented to the board of Treasury in the shape of a memorial, or some official document, which would go through the regular course of official business; of that nature are recommendations for promotions for commissaries, or any other servants of the public, who having distinguished themselves, receive recommendations from the superior under whom they have served: any document of the latter description, I believe would be forthcoming in the Treasury; but as to any application for an appointment, I know no instance of such a paper being considered an official application, or register or any public note made of it: in consequence of that, I do not believe that the most diligent search into the records of the Treasury will afford any trace of the quarter or of the manner in which this person was recommended to his appointment, whether the application was made to myself to be communicated to the then first lord of the Treasury, or made to my then colleague in office, or to any other person who had access to the first lord of the Treasury, or whether it was made to the first lord of the Treasury himself, I am altogether ignorant: I certainly have not the least recollection of this person being recommended; and until he stated to the Committee this evening that he was an assistant commissary, I did not know that there was such a person upon the staff; upon his stating that circumstance, and that he purchased the commission from Mrs. C., my attention was of course called to his evidence; I then took the name of the witness, and I have recalled to my recollection, that a person of that name had been directed to proceed to Portugal, to serve in the commissariat there; and that he was directed for this reason, that when a very large force was proceeding to Portugal and to Spain, it of course became necessary, on the communication of that circumstance from the secretary of state, to provide a commissariat staff adequate to the amount of the army going to serve in those countries: I communicated this to the commissary general and the comptrollers of army accounts, and desired they would furnish me with a complete list of all the commissaries who were either not absolutely wanted in the service in England, or being on half pay might be sent: in the list so sent, I must have found the name of this gentleman, and I can state that with the more confidence, because extensive as that army was, and numerous as the commissariat, there was not any one fresh officer appointed, the whole were taken either from the half pay of the commissariat as I have stated, or from persons who, in consequence of the reduction of the force in this country, it was conceived might be spared for foreign service. I am confident I never saw Mr. Dowler till I saw him at the bar; I certainly do not recollect any one circumstance connected with his appointment: I do not know when it took place, nor can I give any other account, than that which I have now given. I know that Mr. Manby holds an appointment in the commissariat, because, finding him upon half pay, he was directed to take charge of a district in England, from which another commissary was sent on foreign service; but I cannot recollect whether Mr. Manby was appointed during the time I held the situation of secretary to the treasury, or at any other period. I am equally ignorant as to the circumstances which led to his appointment, and of the quarter from which he was recommended, as of the person who has been examined.

Do you recollect Mr. Adams being appointed a Commissioner of the lottery? I do recollect his being appointed a Commissioner of the lottery, when he was private secretary to Mr. Pitt, at the time he was first lord of the Treasury.

WILLIAM STURGES BOURNE, Esq. a Member of the House, attending in his place, was examined.

(By the Chancellor of the Exchequer.)

You were Secretary of the Treasury in the months of May, June and July, in the year 1805? I was.

Will you acquaint the committee whether you recollect any application, either of Mr. Richard Manby or of the gentleman who has just been examined? After the statement which has just been made, it will be only necessary for me to state, that I never saw Mr. Dowler, till I saw him at the bar to-night. I do not recollect any application being made to me on the subject of this appointment, and am totally unacquainted with the circumstances respecting it.

Mr. *Wardle* expressed a wish that the committee should rise, and the Chairman report progress, on account of the late hour of the night. He also wished the postponement, as he was much fatigued, and it was necessary from the peculiar situation he was placed in, to attend the examination of all the witnesses. (A loud cry of "Go on! Go on!" from all parts of the House.)

Sir *T. Turton* said, he wished that the further examination of the witnesses should be continued. At the same time he conceived, if the hon. gent. who preferred the charges wished to postpone entering into further investigation for the present, he was entitled to the indulgence.

Mr. *Wardle* intimated that he was ready to proceed.

Mr. *Croker* said, if it did not derange the system which the hon. member intended to pursue, he wished Mrs. Clarke to be called in. Mr. Wardle not making any answer—Mr. Croker proceeded to say, it was his determination she should be examined that night, and he would insist that the committee should not rise until she was called in.—(A cry of Order! Order!)

Mr. JOHN GRANT was called in, and examined.

(By Mr. Wardle.)

Were you agent for col. French's levy? I was.

Do you know what agreement existed between col. French and capt. Sandon, with regard to the levy? That it was to be a joint concern.

Do you mean by a joint concern, that they were to stand in equal proportion of gain or loss? I do.

Do you of your own knowledge know through whose influence it was that col. French first obtained his letter of service? I have no further knowledge as to that fact than what was told me by col. French and capt. Sandon.

Will you relate what col. French and capt. Sandon told you? They told me that they were to have a levy, and were to get it through a friend, which friend at that time I did not know, but before the letter of service came out, I was acquainted that it was through a Mrs. Clarke.

Did you know from them that they gained that letter of service through the medium of that friend then unknown to you? They told me so.

Do you recollect that during the progress of the levy, any alteration was applied for in the original terms of the levy through the same medium, Mrs. C.? I do know that an alteration was applied for: they applied, but I cannot say that that was through the same medium.

State what that alteration was.—I cannot immediately state it from recollection, but it will appear upon the letter which was issued from the War-office in consequence.

A letter sanctioning the alteration was issued from the War-office in consequence of an application, but through what medium you do not know? No.

Did you ever hear col. French or capt. H. Sandon say by what means they had obtained that alteration? I in fact knew the means, because it was a letter written applying for such an alteration.

To whom was that letter addressed? I understood to the Commander in Chief.

From col. French, and capt. Sandon? Yes.

Can you recollect that any other alteration in the levy was made? I cannot charge my memory with any more than one.

Was there any alteration with respect to boys? I think that was in the original letter of service; I cannot be certain as to that; but it was either in the original letter of service or in the amendment.

Were you acquainted with the terms on which Mrs. C.'s influence was obtained by col. French and capt. H. Sandon? I did understand at first that she was to have 500*l.* or guineas; but afterwards I understood there was some other alteration, which was to allow a guinea for every man raised.

Do you know that any sum or sums of money were paid in consequence of that last agreement to Mrs. C.? I have been told so; but know nothing of it myself.

Were you told so by col. French or capt. Sandon? By both.

You were told both by col. French and capt. Sandon, that Mrs. C. received payments according to the last agreement of a guinea a man in addition to the 500 guineas originally contracted for? I cannot say whether it was upon the first or the last agreement, but that she received several sums.

Do you know that she received several sums subsequent to the agreement you speak of, of a guinea a man? I do not know at what period she received any sum; nor do I speak from my knowledge of her receiving any, but only from what I was informed by col. French, and capt. Sandon.

Did you as agent to the levy pay any sum of money to her or to any other person? To her none; but to several others very large sums.

Do you recollect paying a draft of 200*l.* drawn in favour of Mr. Corri by capt. Sandon? I accepted such a draft, and it was paid by my banker.

The amount of that was placed to the levy account? To the levy account.

Have you ever understood or been told by col. French or capt. Sandon, that Mrs. C. has received very considerable sums for her influence on the levy account? I have.

Did they ever, either one or the other of them, tell you, or have you reason to know, the amount of the different sums paid to her on that account? I know nothing of my own self; but they have mentioned to me the sum, I think, of 1,700*l.*

Did you ever hear col. French or capt. Sandon complain of Mrs. C. having disappointed them in any of their applications on that subject? I do not know that they ever made any others to her.

Did you ever hear col. French or capt. Sandon complain of Mrs. C. having disappointed them in any of their applications on that subject? I cannot call any such thing to my memory; it does not occur to me at present.

Do you recollect col. French and capt. Sandon to have expressed themselves satisfied with the exertions Mrs. C. had made in their favour? No.

Do you recollect that col. French ever applied to you, respecting the loan of 5,000*l.* that was to be raised for the Commander in Chief? He did mention to me that he wished to afford to the Duke such an accommodation.

Did col. French desire you to take any steps towards procuring that money? No.

Did he state to you his reason for wishing to accommodate the Commander in Chief with that sum? No.

But you recollect that col. French spoke to you, respecting the raising of such a sum of money for the Commander in Chief? I do; that he asked me to lend it to him for the purpose.

Will you as nearly as you can recollect state what passed upon that subject? I do not recollect any particulars that passed, further than his asking me to lend him such a sum of money for that purpose; as to the particular words I cannot possibly recollect.

You took no steps whatever for raising the money? None.

Did you state to col. French that it could not be done? I told col. French that under the heavy advance I already was for the levy, I certainly could not do it with convenience.

Do you recollect that col. French suggested, that this loan of 5,000*l.* was to be advanced, provided the arrears due from government on the levy account were paid up? No such condition or provision was stated; but it was observed, that if that should be recovered it might form a part of it.

Was it col. French who made that observation? I really cannot recollect whether it was from col. French or from myself.

Then the mode of accommodating the D. of Y. was agitated between you? If that may be called a mode, it certainly was.

Do you mean to say, that if the sum due from government to col. French on account of the levy was paid up, the D. of Y. might on that event have been accommodated? No, certainly not.

Was any application made to your knowledge by the D. of Y. for the paying up of the sums due on the levy? Not that I know of.

Did col. French ever tell you such application was to be made or had been made? Col. French did promise that he would memorial the Duke upon it.

Did you say that if the money was paid up, the 5,000*l.* was to be lent to him? No.

Then you mean merely to state, that if the money due on account of the levy was paid, that on that event you would have been able to have met col. French's wishes, and to have made the advances to the D. of Y.? No; I never mentioned any such idea nor took it into consideration.

I thought you said, that there being so much due from col. French on the account of the levy, you could not meet his wishes upon that subject? That did not relate to what was due from the War-office, but to a large sum still due from col. French and capt. Sandon; which they had expended perhaps in other ways, and which sum they are still indebted to me to a very large amount.

Do you recollect col. French complaining of other parties having larger bounties than were allowed to his levy, and that that hurt his recruiting very much? He did mention, that he met recruiting parties wherever he went; but as to the bounty being larger or not, I cannot undertake to say that he did.

It is understood that col. French and capt. Sandon had at one time 13 guineas, and at another time 19; at what period was the sum advanced from the 13 to the 19? I cannot speak particularly as to the period, but I think it was in May 1804; if the letter of service is referred to, that will shew it distinctly.

Did col. French tell you whether that advance was procured through the medium of Mrs. C.? No.

Do you recollect that col. French ever told you that through the influence of Mrs. C. he had obtained permission to have his recruits passed nearer the places where they were recruited than before? No.

[The Witness was directed to withdraw.]

Lord *Folkestone* called the attention of gentlemen to the exhausted state of the hon. member who brought forward the motion, the state of the house, and the lateness of the hour, and proposed an adjournment.—(A cry of "Go on! go on!")

The *Chancellor of the Exchequer* observed, that many members appeared to be impressed with the belief that the purposes of justice required that Mrs. C. should be examined to-night, and in that sentiment he was much inclined to concur. As justice was the object of all, he hoped that Mrs. C. would be called in and examined. Without her evidence, the whole that had been said was nothing, as the D. of Y. had not been implicated.

Mr. *Wardle* said that the right hon. gent. need not have so strongly urged upon him a regard to justice. If the Committee thought that justice required it, he was ready to proceed.

Mrs. Clarke was then ordered to be called.

Mr. *Wharton* (the Chairman) stated that Mrs. C. was so exhausted, that, she begged to be indulged with a chair. [A chair was accordingly ordered.] He then said, that he found from the Serjeant at Arms, that he had mis-stated the message, which was a request from Mrs. C. that she might not be examined to-night.

Mrs. C., however, was called in, and addressed the Committee as follows; 'I feel myself so very unwell, and so very much fatigued, that it is impossible for me to be examined this evening; I have been waiting here eight hours, and I am quite exhausted with the fatigue; my feelings have been very much harrassed during the time.'

The *Chairman* told her, that the Committee, in consideration of her fatigue, had ordered a chair for her.

Mrs. Clarke—The chair will not take the fatigue off my mind.

The witness was then directed to withdraw.

Mr. *Yorke* said, that unless the witness was examined that evening, she would have such opportunities to communicate with the other witnesses, that he thought, if it were in the power of the house, she ought to be committed to the custody of the Serjeant at Arms, with orders to deny her access to any person whatever. It was of the greatest consequence that either the one or the other of these plans should be adopted; and he thought the witness should be called in, and have the option given her.

Mr. *C. W. Wynn* doubted whether such an order as that proposed could be given till the house was resumed, and therefore till then the Chairman could not make the communication.—Mr. Rose agreed with the last gentleman; but Mr. Yorke thought there might be precedents of the Committee's making such an order.

The *Speaker* said that there were certainly no such precedents in modern times, and the house ought to pause before they came to a decision upon a point, in which the liberty of the subject was so materially concerned.

Mr. *Sheridan* thought, that if the witness were examined in an ill state of health, she might afterwards say that her answers were not such as her more fresh and vigorous mind might have suggested. He deprecated the idea of locking her up in solitude here in a strange place, and because she was excused from examination. He did not see why all the other witnesses should not be confined in the same way; and thought that to single her out might look like the effect of party. The Committee would recollect, too, that to-morrow was the Fast-day, and that it was not unlikely she might remain in confinement till next Friday. She had already, too, had ample time to have made any communication with the last witness but one;

and the first question the right hon. gent. should have asked her would have been, had she had any conversation with Mr. Dowler since he had been examined? The right hon. gent. thought that the measure of her commitment would be harsh and unreasonable.

Mr. *Wardle* produced the note he had received from Mrs. C., before she had entered the doors of the house that evening, which ran as follows;—"Mrs. C. very much wishes to see you, as she feels herself extremely indisposed."

Mr. *Croker* thought that a communication between the witnesses might have taken place, and that it was absolutely necessary to examine Mrs. C. that evening.

Mr. *Adam* said, that in a cause of so great importance, and in the conduct of which the eyes of the nation were fixed on the committee, the committee ought to be guided by their soundest discretion, and that that discretion ought to take into consideration, in a proper degree, the public opinion. If the evidence of the witness in question ought not to be influenced by communications with other witnesses, so it ought not to be given under a state of mind, to the productions of which she might afterwards object. The committee were therefore in this dilemma; and as they could not accomplish their desire of preserving her from communication, the hon. and learned member thought that the committee had better postpone her examination, and allow the fact of her intercourse with other witnesses, to go to her general credit; and it would affect the whole of her testimony.

Mr. Secretary *Canning* agreed with the hon. and learned gent. as to the difficulty under which the committee laboured; but thought that one or two questions, as to the fact of her communication with other witnesses, might still be asked her tonight; and these might be made so short as not to affect the most delicate state of health and spirits. If these questions were not put now, the committee would recollect there were other modes than personal communication, through which the witness might learn the procedings of the house.

Mr. *Whitbread* conceived that the house would best consult its dignity, by allowing the hon. member to pursue the course of proceeding which he had a right to act upon. But even though it was unwilling to accede to such a principle, he begged leave to ask the house whether a female, in attendance for eight hours, and of course suffering much suspence, had not some claim upon the generous feelings of the house, without any reference to the immediate person to whom that feeling was extended? To speak, under such circumstances, of committing Mrs. C., he trusted would not meet the support of many in that house. (Hear, hear!)

Mr. *Canning* deprecated any such severity; at the same time, he was alive to the necessity of putting certain questions to Mrs. C., relative to any communication which she might have received from any of the witnesses examined that night. He still thought that a more preferable method might be pursued, to which on any side he could see no objection. Namely, that Mr. Dowler should be called in and examined.—Accordingly,

WILLIAM DOWLER, esq. was again called in, and examined.

Since you quitted this bar, have you had any communication with Mrs. C.? Only to offer her refreshment, as she was very unwell; I procured a glass of wine and water for her, which I put beside her.

Have you communicated to her the substance of what passed here during your examination? No.

How long were you in the room with Mrs. C.? I imagine five or ten minutes: the gentlemen withdrew from the room for some time, and I was absent at the time: I was in the room perhaps five or ten minutes.

Did you give Mrs. C. any intimation whatever of what had passed in this house? She asked me the names of the gentlemen by whom I had been examined; and I answered that I did not know them.

What other persons were present in the room? The whole of the witnesses, I believe; she was unwell, and several gentlemen gathered round her, and asked her, whether she would take refreshment.

How many witnesses are there attending? When I say all the witnesses, I suppose there were eight or nine in the room, I cannot speak positively.

Were you apprised that you ought not to have any communication with Mrs. C.? I felt so.

And acted entirely from your own feelings upon the subject? Yes.

[The Witness was directed to withdraw.

[The Chairman was directed to report progress, and ask leave to sit again.]

HOUSE OF LORDS.

Thursday, February 9.

[INSOLVENT DEBTORS.] The Earl of *Moira* called the attention of the house to the evils resulting from the present mode of process in actions for debt, and briefly repeated the substance of the observations which he had so frequently submitted to their lordships on this subject. He did not wish to put an end to arrests in mesne process, but he thought the old practice should be revived, of making the plaintiff give a real pledge to prosecute his suit to a final judgment, with the least possible delay. This would prevent the grievance of persons lying in custody, sometimes more than a year, before the actual ground of debt was ascertained. It was also his wish to make a distinction between the case of the fraudulent and the unfortunate debtor. The assertions which he had made of the benefits that would flow from a recurrence to the ancient law and practice, had been controverted by high authorities. He, therefore, conceived that the best way of arriving at such a conclusion as should guide the opinion of their lordships upon those opposite statements, would be to refer the matter to an open Committee. His lordship accordingly moved, that a Committee be appointed to examine into the present practice of Imprisonment for Civil Debt, and the consequences thereof.—The motion was then agreed to.

HOUSE OF COMMONS.

Thursday, February 9.

[Conduct of the Duke of York.] Mr. Wardle moved the order of the day for the house to resolve itself into a committee for further inquiry into the Conduct of h. r. h. the Duke of York.

Mr. *Yorke* wished, previously to the house resolving into a committee, to explain the grounds of his recommendation, on a former night, that a witness should be detained in the custody of the Serjeant at Arms, to prevent communication with other witnesses already examined, or to be examined, on a subject of so much importance. The right hon. the Speaker had, on that occasion, given his opinion upon the subject, in opposition to what he felt it his own duty to propose; and he now thought the house acted wisely in following that opinion. What he himself had proposed he conceived to be founded on parliamentary usage, although he then spoke generally, without being able at the moment to refer to particular precedents. He had since, however, made more minute research; and although gentlemen seemed before to think he recommended something which was novel in parliamentary proceeding upon such cases, he was now enabled to refer them to precedents upon the Journals of the house, and in times to which the house had been in the habit of looking up with veneration; namely, those shortly subsequent to the Brunswick accession. He then moved, that the clerk might refer to the 18th vol. of the Journals, and the proceedings which took place from the 9th to the 17th June 1715, from which it appeared, that the house, on the representation of Mr. Walpole, chairman of a secret committee then sitting, had deemed it proper to order that Matthew Prior, esq. should be taken into close custody of the Serjeant at Arms, and there detained during the pleasure of the house, in order to prevent him from withdrawing himself, and to secure his evidence before the secret committee, touching the matters then under inquiry. And the said Matthew Prior having refused to be examined before the said secret committee, he was ordered to be detained in close custody; and a Petition having been presented by Mr. Prior to the house, complaining of the hardships of such detention, no order was made upon it until the 20th of Sept. following. The next precedent to which he would refer the house for proof of what their ancestors had done in similar cases, was in the 21st vol. of the Journals, on 15th Feb. 1731, when the house had ordered a number of persons to be taken into close custody, who, it was apprehended, were about to withdraw themselves from giving testimony. The necessity of such proceedings, however, must always depend upon circumstances: the house must in its own discretion judge whether, under those of the present case, it was eligible to follow the precedents he had stated: at all events, he hoped he had shewn that his proposition was not unparliamentary.

Lord *Folkestone* could not accede to such a doctrine, as that the communication between witnesses, either before or after examination at the bar of that house, was to invalidate their testimony. It must be quite impossible to prevent such communication from taking place between persons desirous of giving the fairest evidence. And if the right hon. gent. meant, in the course of this inquiry, to found any proceeding upon the precedents he had quoted, he (lord F.) trusted no such proceeding would be adopted, without giving the house time to search more minutely for further precedents.

Mr. *Sheridan* rose, and observed, that in consequence of some interrogatories put on a former night by an hon. member to Mr. Corri, one of the witnesses examined before the committee, in order to know whether Mr. Finnerty was one of the persons to whom he alluded as present with him at Mrs. C.'s house, an idea had gone forth that Mr. F. was the person. He had himself, however, since Tuesday night received the most positive assurances that Mr. F. was not the person, nor had he any concern whatever in these transactions. With regard to Mr. F. himself, he was at present under prosecution by the Attorney-General for a libel against the D. of Y., and he felt that such an idea going forth to the public as that he was the person alluded to by Mr. Corri in his evidence, would be extremely prejudicial to him on his trial. He was therefore extremely desirous to remove such an idea, and to prove to the house that he was not the person. He now held in his hand a Petition from Mr. Finnerty, which he would beg leave to present to the house. The Petition was received and read as follows:

'To the Honourable the House of Commons of Great Britain and Ireland, in Parliament assembled.

'The humble Petition of Peter Finnerty, of Clement's Inn, gent. sheweth, That your Petitioner has heard with surprise and regret, that in the course of the examination now carrying on before the hon. house, relative to h. r. h. the Commander in Chief, his name has been frequently introduced, and that questions have been put, implying suspicions which may produce an impression injurious to him, upon a prosecution instituted against him, by his majesty's Attorney-General, and which is expected to be very shortly brought to trial. Your Petitioner, therefore, thinks it necessary to state to the hon. house, that he is perfectly ready and willing to appear at the bar, and to answer any questions that may be put to him. As the Petitioner has never been engaged in any transaction which he should shrink from avowing, he begs to assure the hon. house, that his answers shall be frank, full, and explicit. And the Petitioner shall ever pray, &c.'

On the motion of Mr. Sheridan it was ordered to lie on the table.—The house then went into the Committee.

W. S. BOURNE, Esq. attending in his place, made the following Statement:

I stated on a former night, that I had never seen the witness, Mr. Dowler, and that I did not recollect that he had ever been recommended to Mr. Pitt through me; but that if such recommendation had taken place, I should probably be able to find a memorandum of it: I have since searched for such a memorandum, but I can find no trace of his having been so recommended.

Wm. HUSKISSON, Esq. attending in his place, made the following Statement:

I stated on the former evening, that I had no knowledge of Mr. Dowler, nor no recollection of ever having seen him, or his having been recommended through me to Mr. Pitt. I certainly have now no recollection of any circumstance I had not then; in consequence of what I stated to the committee, that I should make an inquiry, I proceeded, in the first instance, to cause a careful search to be made at the treasury, whether among the muniments of that department there was any paper to be found, or any trace of a recommendation of this gentleman; the result of that search was, that there was no such document in the treasury. I then sent to the present commissary general, Mr. Coffin, and I desired Mr. Coffin to examine all the books of the late sir Brook Watson, and all the papers which, in the course of office, when he succeeded sir B. Watson, had been placed in his care; I also desired the person who had sir B. Watson's private papers, his executor, to examine such papers as were in their possession; they have not been able to find, either in the public records of the commissariat department, or among his private papers, any trace of a recommendation by him, either official or private, of Mr. Dowler, to the situation he now holds; the only mention made of Mr. Dowler in the books of this department is what I shall state presently. Having failed in this quarter, I applied to Mr. Adams, Mr. Pitt's private secretary at the time he was appointed, for any information he might possess, or any recollection he might have upon the subject. Mr. Adams had not the least recollection, as he stated and is ready to state in evidence if he is called, of any recommendation of Mr. Dowler; he states, that with respect to all private papers of Mr. Pitt, and any memorandum which might have been kept of persons who had been recommended to him for appointments, whether those appointments had been conferred or not, they were in the possession of the bp. of Lincoln, as his executor. Mr. Adams went yesterday to the town residence of the bp. of Lincoln, the bishop is at Buckden, and therefore he could not obtain any information there; but Mr. Adams stated to me, that before the papers of the late Mr. Pitt were removed from Downing-street to the bishop's, all those which did not appear to be of any importance, but merely of indifference, were destroyed. Whether any memorandum of this nature were or were not, I must leave the committee to form an opinion. I also inquired of every gentleman in the treasury, at that time, as to any knowledge they might have respecting the manner in which Mr. Dowler had been recommended; none of those, whom I have seen, profess to have any knowledge of the quarter from which he was recommended. Under these circumstances, it may perhaps be necessary to state, if the committee wishes for any further light I can throw upon this subject, that I find upon the 29th March 1805, sir B. Watson, then commissary general, applied officially to the treasury by a letter, which I hold in my hand, that three additional assistant commissaries should be appointed. If it is necessary I will read the letter. On the 5th June 1805, sir B. Watson writes again to the treasury, requesting that five additional commissaries may be appointed. But I must here observe, that by the context of the letter of the 5th of June, it appears, that his request of the 29th of March had not then been attended to; no appointments had taken place in consequence of the former letter; that would be, therefore, five in the whole; and he presses their immediate appointment. On the 6th July, he stated the necessity of one more, in consequence of one being in ill health. In consequence of these requisitions of sir B. Watson, it appears, that on the 15th June I was directed by the lords of the treasury to write a letter to the comptrollers of army accounts. This is the first trace I can find of Mr. Dowler. This letter it may be necessary, perhaps, I should read to the committee.

[Mr. Huskisson read the letter.]

"Treasury Chambers, June 15th, 1805."
"Gentlemen; The lords commissioners of his "majesty's treasury intending to recommend to his majesty, William Dowler, "gentleman, for the situation of assistant "commissary on the home establishment, "if he shall be found properly qualified for "that service; I am commanded by my "lords, to desire you will accordingly examine into his fitness and sufficiency, and "report to this board, the result of such "enquiry. I am, &c. WM. HUSKISSON."
"Comp. Army Accounts."

With respect to appointments of this nature, none are made without referring to the comptrollers of army accounts, to examine into the fitness of the person; it therefore becomes necessary, in case my colleague or myself were directed to prepare a commission for such a person, to put him into this course of examination, as preliminary to granting him such an appointment. In consequence of this reference to the comptrollers, a report was received from them, which it may be also necessary to read: this report was on the 3d of July.

[Mr. Huskisson read the letter.]

(No. 175.) Comptroller's Office, 3d July 1805.
"My lords; Mr. Huskisson having by his "letter of the 15th ultimo, signified to us "your lordships commands, that we should "examine into the fitness and sufficiency of "Mr. Wm. Dowler for the situation of assistant commissary on the home establishment, and report to your lordships the result of such inquiry; We have been attended by Mr. Dowler; and having proposed such questions as we conceived necessary for him to answer in writing, we "report to your lordships that, in answer to "our questions, Mr. Dowler states himself "to be 32 years of age, born in the parish of "St. Clement Danes, London.—That he has "not hitherto served in any commissariat, "but that he received a commercial education at Mr. Eaton's in Tower-street, and "for 16 years had the management of his "father's compting-house, till he retired "from business; that he understands French "and Latin; that he is conversant in arithmetic in general, including fractions; that "not having served in the commissariat, he "cannot say that he is acquainted with the "forms of returns and vouchers, or the method of keeping and making up commissariat accounts for cash and stores: But as "he has received a commercial education, "and perfectly conversant in mercantile accounts, we are of opinion, that your lordships may with propriety recommend Mr. "Wm. Dowler to his majesty, for the situation of assistant commissary. We have "the honour, &c. JOHN MARTIN LEAKE.
"Rt. hon. lords comm. of J. ERSKINE."
"his majesty's Treasury."

Indorsed: "(175.)—3d July, 1805.—Compt. army accounts.—On the fitness and sufficiency of Mr. Wm. Dowler for the situation of an assistant commissary on the home establishment. —No. 3,730.—Received 4th July, 1805.—Read 5th July, 1805.—Give the necessary directions for the appointment.—*Cipriani*."

In consequence of this report from the Comptrollers, a letter was written to the Secretary at War, desiring him, to lay before his majesty a commission for the appointment of Mr. Dowler to be an assistant commissary on the home establishment. And here it may be necessary for me to state the course of proceeding in that respect; it is indeed in consequence of some question I put to the witness. If a person is appointed a commissary on the home establishment, no commission issues from the treasury, but merely a letter to the Secretary at war, desiring he would submit a commission to his majesty: if it is necessary to send him upon foreign service, then he gets a treasury commission, which treasury commission entitles him (as the witness states he had received) to 5*s.* additional pay in consequence of going on foreign service. The first commission then issued from the treasury to Mr. Dowler, was when he went on foreign service to South America, and is dated the 1st Nov. 1806; that commission is still at the treasury, Mr. Dowler never having called for it nor taken it out.

On the 27th July, I find a Letter* from my then colleague, Mr. Bourne, stating to the commissary general that Mr. Dowler had been appointed an assistant commissary: this is all I can trace in the Treasury or in the other departments respecting this appointment. It may not be improper I should state to the committee, that I do find that, in consequence of the requisition of the commissary general for this addition of five commissaries, made in June, there were appointed on the 18th June a Mr. Stokes, on the same day a Mr. Green, on the 10th July Mr. Wm. Dowler, on the 25th Mr. Rd. Hill, and on the 26th Mr. C. Pratt. It is not within my recollection at this moment, upon what recommendation or through whose application any one of those persons was appointed; indeed, on looking over the list of the whole of the commissaries appointed during Mr. Pitt's last administration, amounting to 17 or 18, I find but two of whom I have any recollection; whether I shall be able to find by the recollection of others who recommended them, I cannot say. I will only state further, that I am satisfied the channel through which he was recommended, whatever it may be, was one that did not give rise to any suspicion in any body connected with the Treasury at that time, that there was any improper influence employed; and I can state that confidently for this reason, that it is the rule of the Treasury, if they have any reason to apprehend any such transaction, to direct the comptrollers to whom they refer the parties (and the comptrollers have a power) to examine upon oath as to such a fact. I could produce proof, if that is necessary, of such an enquiry being directed within these six months as to a person in the commissariat. I merely state this, because not finding any reference to such an enquiry being directed, I am sure that no suspicion of any such circumstance was in the mind of any person connected with the Treasury. I have no recollection, nor do I know even now, of my own knowledge, through what quarter Mr. Manby was recommended. I have learned from a right hon. friend of mine, who was then one of the lords of the Treasury, that he was the person applied to, to mention Mr. Manby to Mr. Pitt. If I had been able to trace in the same manner respecting this gentleman, I would have informed the committee.

On the motion of Mr. Wardle, Mrs. Clarke was then ordered to be called in.

Some time elapsed before the witness appeared; and when she did present herself, she appeared greatly agitated and much distressed. A cry of chair! a chair! resounded from different parts of the house, when the Chairman ordered a chair to be brought for the accommodation of the witness, and signified to her, that she had the permission of the committee to be seated.

Mrs. MARY ANNE CLARKE was then examined.

(By Mr. Wardle).

Did you know col. French?

Here again some delay took place, when it was obvious that the agitation of the witness prevented her from giving an answer; and that her distress had arisen from some occurrence previous to her appearance at the bar. The Chairman, in consequence, made the following observation to her: 'If the witness has any complaint to make of ill usage, the committee will hear it.'

Mrs. *Clarke.* I have been very much insulted. I knew I should be protected when I sent for the proper gentleman. I sent for the serjeant at arms to conduct me in: it was before I got into the lobby.

Did you know col. French? Yes, I did.

Do you recollect whether he applied to you in 1804, to use your influence with the Commander in Chief, to have a levy of men for the army? He applied to me, but I cannot recollect the year.

Do you recollect that he applied to you to use your influence with the Commander in Chief, to have a levy of men for the army? Yes, I do.

Do you recollect if col. French offered you any pecuniary advantages for using your influence? Yes, I do; or I should not have mentioned his name.

Do you recollect what those offers were? No, I do not.

Do you recollect any part of the offer that col. French made? I have seen all the papers; but if I was to be guided by them, I should not guess nearer the thing itself than from my own memory; I cannot recollect the time nor the conditions.

Do you recollect that col. French entered into any conditions with you? Yes, I do.

Did those conditions imply, that you were to receive a pecuniary reward for your influence with the Commander in Chief? Certainly.

Did you, in consequence of this, apply to the Commander in Chief, and request that col. French might be allowed to have a levy? Certainly.

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* (Copy).

"Treasury Chambers, July 27th, 1805.
"Sir; I am commanded by the lords "commissioners of his majesty's Treasury to "acquaint you, that they have directed the "secretary at war to submit a warrant to "his majesty for appointing William Dowler, esq. to be an assistant commissary of "stores and provisions to the forces, from "the 10th instant, at the rate of 15*s.* a day.
"I am, &c.
W. S. Bourne."
"Comm. gen. sir Brook Watson."

Did you state to the Commander in Chief, that you were to have any pecuniary advantages if col. French was allowed to have a levy? Yes, certainly.

Did the Commander in Chief promise you, after such application, that col. French should have a levy? Yes, he did.

Did you, in consequence of col. French having such levy, receive any sums of money from him or any other person on that account? Yes.

Can you state any particular sums that were paid to you on that account, and by whom? I recollect having one sum, but I cannot tell whether it was col. French or capt. Sandon, of 500 guineas, bank notes, making up the sum of guineas: and I paid 500*l.* of it on account to Birkett, for a service of plate, and h. r. h. paid the remainder by his own bills; I fancy h. r. h. told me so.

Do you recollect any other sum or sums that you received? Yes, but I cannot speak to the amount of them. I fancy that Mr. Dowler was by, when I received the money I paid for the plate.

Do you recollect that either col. French or capt. Sandon applied to you to prevail upon the Commander in Chief, to make any alterations from the original terms of the levy? They teased me every day, and I always told h. r. h., or gave him col. French's notes; but I cannot tell what it was about, for I never gave myself the trouble to read them. I was not aware of what they always asked me or wanted, but h. r. h. always understood it, I believe.

Do you recollect, that during the progress of the levy, any loan was to have been made to the Commander in Chief, by col. French? No, no loan by col. French.

Do you recollect that any loan was to have been made to the Commander in Chief, arising out of the levy, or connected with the levy? Col. French told me, that if h. r. h. would pass the accounts which had been some time standing, and which col. French and his agent had every reason to expect to have been passed before, and which were all very correct, he would accommodate him with 5,000*l.*, upon proper security being given, at the regular interest.

Did you speak to the Commander in Chief upon this subject? Yes, I did.

State what further you know upon that point. I believe that h. r. h. applied as far as was proper in him, and he could not command the money from the different offices, or the office where it was to be paid, and the thing dropped; he has no business whatever with money, and perhaps he was rather delicate on that subject of pressing, when he expected to receive the 5,000*l.* on loan, and where it might be publicly known afterwards.

(By Mr. Croker.)

How often have you seen Mr. Dowler since he arrived in England? Once, and the other night, till he was called in here; I have not seen him since.

Then you have seen Mr. Dowler but twice since his arrival in England? Certainly not.

Did you inform col. Wardle of the details of the transaction relating to col. French's levy? Yes, I did of some part; of the best part, but not of all that Mr. Dowler has mentioned, by what I saw by the papers; I have had no communication by note or otherwise with him, or any one connected with this business, since I left the house the other night; I have only seen two men since; gen. Clavering has called twice to-day, begging that he might not be brought forward, but I would not see him; and another gentleman, whose name I will mention hereafter, and what he came upon.

How long have you been acquainted with Mr. Dowler? As I have seen the papers, it is almost useless to ask me that, because I might agree with him.

How long have you been acquainted with Mr. Dowler? 8, 9, or 10 years; I cannot say which.

Have you not at various times received sums of money from Mr. Dowler? Some few sums.

Can you recollect the particulars of any of the sums, or the amount of the whole, which you may have received from Mr. Dowler? I can speak particularly as to receiving 1,000*l.* for his situation.

Was that 1,000*l.* which you received for his situation, the last sum of money you received from Mr. Dowler? No.

Was it the first you had ever received from Mr. Dowler? I cannot speak particularly as to that.

Do you owe Mr. Dowler any money? I never recollect my debts to gentlemen. (A loud laugh.)

Do you owe Mr. Dowler any money? I do not recollect, nor can recognize any debt to him.

Have you not frequently recognized debts to Mr. Dowler, and promised to have them paid? I only recollect one, where I had two or three carriages seized in execution, or something; I had nothing to go out of town in to Weybridge; I sent a note to Mr. Dowler's lodgings, and begged he would buy or procure me a carriage immediately; he did so in a few hours, and I told him h. r. h. would pay him hereafter for it; h. r. h. told me that he would do so for it, or he would recollect him in some way.

Did you inform Mr. Dowler of that answer of h. r. h.? Yes, I did.

Are you positive of that? O, quite so.

Try to recollect yourself, and answer positively, whether you were not in the habit of receiving money from Mr. Dowler prior to the money given for his appointment? I am perfectly collected at present, and I cannot recollect any thing of that sort ever happening. I am very equal to answer any thing now which is asked me by this honourable house.

Do you recollect seeing Mr. Corri at your house on the 6th of January last? I have seen him twice at my house.

In the month of January? I cannot recollect the month; it is not long since.

What other persons were at your house on the first occasion you saw Mr. Corri? I found Mr. Corri at my house one day, in consequence of a note I had sent to him to procure me a box at the Opera, to treat with my lawyer Mr. Comrie, about one; it was very near dinner-time when I found him there; I could not do less than ask him to dine with me; and afterwards he went up into the drawing-room; there was a gentleman, who was a relation of mine, who dined with us, and some young ladies.

Were that gentleman and these young ladies the only persons with whom Mr. Corri was in company at your house on that day? I believe one or two came in, in the course of the evening.

Who were the one or two? I do not at this moment recollect; if you will ask me exactly their names, and make the question pointed, I will answer it; they were my friends, no doubt; but I believe only one came in.

Who was that one? A friend.

What was his name? If you will tell me his name, I will tell you whether it was him or not. [The Chairman informed the Witness that she must answer the question.] It was col. Wardle.

Was col. Wardle the only other person that came that evening? And my relation.

Do you recollect having received a second visit from Mr. Corri at your house, some short time after this? Yes; he brought two boys to sing to me.

State the names of all the men who met Mr. Corri at your house that evening? If I did so, I should not have a decent man call on me during the whole of this time. [The Chairman informed the Witness she must answer the question.] Am I obliged to answer this question? if I am, I do not wish to shelter myself.

[The Chairman informed the Witness, that it was her duty to answer the questions proposed to her.] Must I, without appealing to you? [*Chairman.*—If any improper questions are proposed, the Committee will take notice of them, and prevent their being put.] No one has yet done that to me.

[The Witness was directed to withdraw.

Mr. *Whitbread* then stated, that it was the duty of the Chairman to inform the witness, that she had a right to appeal to the Chair, if any question should be put to her which she might think improper to be answered. He therefore moved that the Chairman be instructed to make that communication to the witness on her being called in again.

Mr. *Croker* observed, that the question had already been thrice put to the witness, and twice approved of, and the answer to it pressed by the Chair.

Mr. *Whitbread*, notwithstanding the witness's manner of giving her evidence, and setting her character and conduct out of the question, was still of opinion, that, be she who she might, she was entitled to the protection of the committee; and he must say, that, from the course of questions which the hon. member was putting to her, he thought it very likely that some of them would be such as one would be unwilling to answer, and might be improper to be pressed. He therefore thought that the Chairman should be instructed to inform the witness, on her being called in, that she had a right to appeal to the Chair, if any question should be put to her which she might be unwilling to answer.

Mr. *Croker* had carefully confined his examination to two distinct points already before the house, and upon which the house seemed extremely anxious to obtain information; and there could be no stronger ground for pressing the question, in order to ascertain who had been at the witness's house on the occasion, than the petition that day presented from a person who was anxious to shew that he had not been there.

Sir *T. Turton* informed the hon. member that he had mistaken the object of the hon. gent. (Mr. Whitbread), if he supposed that he had any intention to justify the witness. His sole object was to procure for her that protection, which, in any court of justice, would be afforded to a witness, and without which a witness at the bar of that house would be in a miserable situation.

The *Chairman* said, he would always be obliged to the committee for instructing him in his duty; but as the question when put had not been objected to, he was bound to suppose that it was a proper one to be pressed. He wished to be instructed by the committee, whether he was to tell the witness, when called in, that she might appeal to the Chair.

Mr. *Wardle* wished the hon. gent. in order to save the witness the pain that must arise from the course of examination he was pursuing, to name the persons whose presence at the house of the witness he wished to ascertain from her own testimony. The hon. gent. must be aware, how easy it was to put the feelings of a witness, in such a situation, to the most painful trial.

Mr. *Fuller* declared, that he agreed most perfectly in the feelings of the hon. gent. and that protection ought to be extended to the witness. It was impossible to foresee what mischief might arise from pressing such questions, if it should appear that a number of married men had been present.

The *Chancellor of the Exchequer* was of opinion, that the witness, on being brought back to the bar, should be informed, that she must give a direct answer to the questions that should be put to her, but that she might appeal to the Chair.

Mr. *Windham* concurred in the course proposed by the right hon. gent. Undoubtedly, no man but the hon. gent. could know what purpose he had in view, but he recommended to him to consider, whether this course of examination was necessary. The committee would see the great inconvenience that might result from it, according to the observation of the hon. gent. (Mr. Fuller), which was not heard with as much attention as the justice of it merited. This course of examination appeared to him not as questions applying to the witness, but to those who had been present at her house on the occasion. Again he would recommend to the hon. gent. to consider whether his course of examination was such as ought to be pursued.

Mr. *Croker* said, he would pursue the course of examination he had begun, as he could not conceive it improper to ask the names of persons exhibited at Mrs. Clarke's before a music master and his two boys.

[The witness was again called in, and was informed by the Chairman, that if any question should be put, which she thought improper to be answered, she was at liberty to appeal to the Chairman, whether that question should be answered or not; and that with respect to the last question put to her, the Committee expected that she should answer that directly or positively.]

State the names of all the men who met Mr. Corri at your house that evening.—Capt. Thomson, col. Wardle, and a newspaper man, whose name I really do not recollect; I never saw him but twice before; but he answered exactly to the description I read in the paper, as given by Mr. Corri; I shall know it to-morrow; it begins with Mac.

Was the name Macallum? Yes.

Did you represent any of those persons to Mr. Corri, under a false name? No, I told him one was a member, which was very true.

You did not tell him that it was Mr. Mellish, a member? No, it was his own mistake.

Which of the three persons was it, that you introduced to Mr. Corri, and represented as a member? Mr. Wardle.

Do you recollect in what sums you received the 1,000*l.* that Mr. Dowler gave you for his place? Perfectly well.

State them.—200*l.* first, and 800*l.* afterwards, in one sum, which his father came up to town to sell out of the funds.

Was not that 200*l.* paid to you before the appointment had been obtained? A few days.

(*By the Chancellor of the Exchequer.*)

You have stated, that you do not accurately recollect how long you have been acquainted with Mr. Dowler, whether 8 or 9, or 10 years? Exactly so.

Cannot you recollect whether it was 8 or 10 years? No, I do not think I can.

Were you acquainted with Mr. D. before you lived in Gloucester-place? Yes, I was, some years.

Were you acquainted with him before you lived in Tavistock-place? Yes, I was.

Did you never receive any money from Mr. D. while you were living in Tavistock-place? No.

Do you recollect your ever having received any money, before you received the 200*l.* part of the 1,000*l.* from Mr. D.? No, I do not recollect that I had.

Do you recollect having received any money since the 1,000*l.* except the money for the carriage? I think once or twice I have, speaking from my recollection.

Did you receive the money for the carriage, or did he pay for the carriage? He paid for it, and he sent the carriage in within the space of two hours. He bought it of a col. Shipley.

Did he pay for it? Yes, certainly.

He did not give you the money to pay for it, but paid for it himself? Yes.

Do you recollect any other sums of money you received from him subsequent to that respecting the carriage? Only the other two sums of 800*l.* and 200*l.*

Were they before the carriage or afterwards? Before.

Then are those the only three instances of your receiving money from Mr. D. the 200*l.* and 800*l.* and the money for the carriage? I cannot speak to any exact sum, but I think he has once or twice paid something for me to my housekeeper; when she has told him something that was distressing, he has given her money to pay for things, when h. r. h. was not in the way; it has not come to my knowledge sometimes for a week afterwards; but those were marked things, the other things.

Was Mr. D. in the habit of seeing you very frequently? Not very frequently, but when he had lodgings in London; about the time of col. French's levy he was.

Did you see Mr. D. after he came from examination at this bar, the last night of examination? Not the last time he was examined, but before.

Upon his retiring from the bar? Never since.

After his first examination here? Yes, I did.

Did any thing pass between you and Mr. D. respecting his examination, when he returned? Certainly not about money concerns; he only mentioned to some gentlemen who were present, the conduct of one or two of the members, who he thought harassed him very much, and put questions very distressing to his feelings on private occurrences, that had nothing to do with the question pending; it was a Mr. Bootle he was speaking of: that he would rather give (I think his expression was) every guinea he was worth, than be brought before such a place again.

Did he state what he had been examined to? He said he had been examined closely to his private concerns, he did not speak of any thing else; it was not to me, it was to this gentleman, a stranger, one of the members.

Did you ask him what he had been examined to, or make any observations as to what had passed? I asked him who had examined him.

But not what he had been examined to? No.

(*By Lord Folkestone.*)

How long have you been acquainted with the D. of Y.? I believe it was 1803 when he first took me under his protection.

Were you acquainted with the D. of Y. before that period? Yes, I was.

At that period he took you more immediately under his protection; had you an establishment from that time? No, I think it was from 1804 to 1806, that the establishment commenced only in Gloucester-place; we were in Park-lane before, in a furnished house.

Had you any establishment of horses and carriages in Park-lane? Only what belonged to myself.

What number of carriages had you when you lived in Gloucester-place? I always had two.

What number of horses? About six; sometimes eight.

What number of men-servants? I do not know, without I went over it.

State the servants you had.—There was butler, coachman, postillion, groom, mostly a man cook, a gardener, and two footmen; from seven to nine, I do not know exactly.

To whom did the house in which you lived, belong? To the Duke.

Who paid the expences of the establishment? I did.

What allowance did you receive from the D. of Y. for that purpose? H. r. h. promised me 1,000*l.* to be paid monthly, but sometimes he could not make the payments good, which was the occasion of many distressing circumstances happening.

Was it on the bare promise of 1000*l.* a year, that you mounted such an establishment as you have mentioned, and with the expectation of no other means of defraying it? H. r. h. did not tell me what he would give me till I was in it.

When was it that h. r. h. promised you 1,000*l.* a year? He began it by paying it to me.

How long did he continue to pay it regularly? Till almost the whole time that we were together in it; for three months before h. r. h. left me, he never gave me a guinea, though he was with me every day.

How were the monthly payments made; by h. r. h.'s own hand, or by what other means? H. r. h. wished me to receive it from Greenwood; but I would not subject myself to that, although it would have been more punctually paid.

How did you receive it? From h. r. h.

Did you ever receive more than at the rate of 1,000*l.* a-year from h. r. h.? H. r. h., if any thing unpleasant had happened, which was always happening, would sometimes contrive to get a little more and bring me.

Do you know what is the total amount of the sums you received from h. r. h. during the time you lived in Gloucester-place? Certainly not.

Were the sums you received from h. r. h. adequate to the payment of the expences of the establishment you kept up? I convinced h. r. h. that it did not more than pay the servants wages and their liveries.

Did you state that to h. r. h.? Many times.

What observation did he make in consequence? I do not know that he made any observations on that; but after we had been intimate for some time, he told me, that if I was clever, I should never ask him for money.

Do you remember at what period it was that h. r. h. made that observation? No, I do not; but it was when he had great confidence in me.

Was it before you removed to Gloucester-place? Not till some time after.

Can you at all state what was the amount of the annual expence of your establishment? No.

Pretty nearly? Not the least; I cannot give a guess.

You stated in a former part of your examination, that you were going to Weybridge; had you a house at Weybridge? Yes.

Was that your house or the D. of Y.'s? It was the Duke's.

Had you a separate establishment there, or did the establishment move from Gloucester-place to Weybridge, and from Weybridge to Gloucester-place? There was a groom there and a gardener, and two maids; the remainder of the servants waited on me when I went; I was never there but from Saturdays till Mondays, and I always took four more servants with me, sometimes five.

Did the sums of money you received in the monthly payments, and by occasional payments from the D. of Y., nearly cover the expence of your establishment? If it had, I should never have been harrassed for money as I was during the whole time I was under his royal highness's protection.

Do you know a person of the name of W. Withers? Yes, I do.

What is he? He is a Sheriff's officer.

How came you acquainted with him? He had some business with me in his own way.

Was it in consequence of your pecuniary distresses, that you became acquainted with W. Withers? No one would ever know a man of that description, but through that very thing.

Did you ever enter into an agreement with W. Withers, for participation in any sums of money which you might receive? Never, nor ever hinted at such a thing.

Do you recollect the first time you ever made application to the D. of Y. for any thing connected with Army Promotions? No, I do not; it was after I was in Gloucester-place.

Were the applications you had to exert your influence with the D. of Y., numerous? Very.

Were those applications universally attended to by you? Not always by me; if I thought they were not correct, nor proper to recommend, I mentioned it to h. r. h., and he told me who were proper and who were not; and then I could give my answer the next day, as from myself, whether I could listen to any thing or not; if they were improper, he told me to say I could not interfere, without saying that I had mentioned the matter to him.

Did you uniformly inform the D. of Y. of every application you had received? Yes, and hundreds had been rejected but through his means, for I did not know who were proper or who were not.

When you have received applications, did you entirely trust to your memory, or did you record them on paper? If it was a single application I trusted to memory, and h. r. h. who has a very good one; but if there were many, I gave him a paper, not in my own writing.

Gave him what paper? Any paper that might have been handed to me.

Do you mean a List of the applications? I recollect once a List, a very long one, but only once.

Do you recollect how many names were upon that List? No, I do not.

Do you recollect when that List was existing? No, I do not; but I know that that must have been a little time before col. Tucker, who is lately dead, was made major Tucker; there were two brothers of them.

From what reason do you know that it must have been before col. Tucker was created a major? H. r. h. had promised that he should be in the Saturday's Gazette, and one day, coming to dinner a few days before, he told me Tucker had behaved very ill, for that Greenwood had him, and to inquire into it, for that he had come to play with me, and perhaps to make a talk: that he was not serious in the business. I inquired into it, and found it was so; and h. r. h. said that sir David Baird had recommended him. That was the answer that Greenwood gave to it. But when I gave h. r. h. that List, that is, when he took it, with the number of names upon it, he asked me what I meant by it; if I wanted those men promoted; and if I knew any of them or not, and who recommended them? I told him, I did not know any one, and that what I meant by it, being in his way, was for him to notice them. He said that he would do it; that there were a great number of names, and that if I knew any thing at all of military business I must know it was totally impossible for him to do it all at once, but that he would do it by degrees; that every one should be noticed by degrees: and among those was captain Tucker.

Is that List in existence now? No, h. r. h. took it away with him that morning: and, from that moment, I knew in what way I might have his sanction to go on. I saw it some time after in his private pocket-book.

Is that the only List that was ever made out by you? I did not make it out, some one gave it me; that was the longest List, and the only List that I recollect; I never gave him any other List, I am sure. There might have been two names down.

Were you in the habit of making out a List to refresh your own memory? No; their friends always took care of that.

Do you mean, that you used to receive the names of the applicants in writing? I have had letters, hundreds upon hundreds.

What do you mean by stating that their friends took care of that, in your last answer but one? They expected the thing should be done immediately, and used to tease me with letters.

Do you recollect any other names, except that of capt. Tucker, in the List you have referred to? I believe so, but I would not mention the name of any man who had behaved well to me, on any account. H. r. h. did not promote the whole of that List.

Your acquaintance with Wm. Withers, you have stated, was owing to some pecuniary embarrassments of yours; in what way were those embarrassments satisfied? I gave him two bills on my mother for 300*l.* each, and that satisfied those things; I never gave him any thing, nor spoke to him on any thing relating to military business.

(*By Mr. Yorke.*)

Do you recollect from whom you received the List you have spoken of? I think from capt. Sandon or Mr. Donovan; but Mr. Donovan is quite prepared to deny it.

Can you state positively whether you received it from capt. Sandon or Mr. Donovan? No, I cannot, they were connected in some way or other together.

(*By Mr. Fuller.*)

Have any questions been read to you by any individual whatever, as such questions as would be asked you in this house? No, never.

(*By Sir George Warrander.*)

You have mentioned having received various sums of money from Mr. Dowler, and in particular two sums of 200*l.* and 800*l.*; state upon what consideration those sums were received. —It was for Mr. Dowler's appointment, but previous to that he was not to have paid me money.

To what appointment do you allude? In the commissariat; assistant commissary.

Whom did you apply to for that appointment for Mr. Dowler? H. r. h.

From whom was it notified to you, that that appointment had been made? H. r. h.; he told me that he had spoken to Mr. Ch. Long upon it, and it was settled at last; that there had been some little difference in the Prince's regiment, that Mr. Manby was obliged to leave it, and h. r. h. promised to the Prince of Wales to give something to Manby, and to seem very civil to him, he must gazette him before Mr. Dowler; but before Mr. Dowler proposed to give him the money for the situation, I fancy he was to have procured some Votes for the Defence Bill; I think it was something like that name; Mr. Pitt was very ill at the time, and I think it was something of that sort mentioned; however, Mr. Dowler could not bring forward the number of voters that I had given the List of to the Duke, 17 I think, and there were very few of them came; but I recollect one gentleman, general Clavering got up from Scotland, lord John Campbell; and although lord Lorn would have voted with Mr. Pitt, and of course his brother would have gone the same way, (but he was not in London) still it was considered that it was a great favour bringing up lord John from Scotland; he was the only man that I recollect, and that was through my means; I had a few more friends besides, but it dropped. Mr. Dowler could not bring the men forwards, some of them were in the Opposition. H. r. h. told me he gave the list to Mr. Charles Long, and he was delighted with it. (Loud laughter).

You have used an expression relative to capt. Tucker, that Greenwood *had* him; explain what you meant by that expression.—I do not know, I never enquired further into it; I was very angry that the man should be only laughing with me; it was h. r. h.'s expression, not mine; but I am almost certain that capt. Sandon knows him, and about it, though perhaps he will not own to it.

(*By Lord Folkestone.*)

Were you in the habit of shewing to the Duke of York the letters which contained the applications to you for influence? Yes, I was; but I did not trouble him with all, not many, upon the same subject; if a man wrote one letter first, I might shew him that, but if he wrote me ten more, I might not trouble h. r. h. with those: they frequently used to call, and wait for answers while h. r. h. was there, though they did not pretend to know he was there.

Then if those letters contained an offer of money to you for the exertion of your influence, h. r. h. must have been aware of it? He was aware of every thing that I did, but I never was very indelicate with him upon those points.

Did you shew to h. r. h. letters containing such offers, as well as letters that did not contain them? Yes, I did.

(*By Sir James Hall.*)

On the first day of your examination, you stated, that a bill of 200*l.* which you received from Mr. Knight, was sent from your house to be changed by a servant of h. r. h.; how do you know it was taken by a servant of h. r. h., and not one of your own servants? I believe that I did not state that it was h. r. h.'s servant who took it, but that h. r. h. had something to do with the changing that note; and on Saturday or Monday morning, I do not recollect which it was, when it was raining very hard, I believe it was Monday, I heard where my butler lived, and I went into York-place, and sent my footman to fetch him out; he came out, without previous knowledge of who called upon him, and I asked whether he recollected any thing particular the evening that h. r. h. was going to Weymouth, and myself in the morning to Worthing; he asked me to what point, I said about a Bank-note; he said, Perfectly well; he had been trying all over the neighbourhood to get change for a note, that it was a very large note, he supposed a 50*l.* note, that he came into the parlour and said he could not get change for it, and then h. r. h. said, 'Do go to my wine-merchant's in Bond-street, Stephens's Hotel, and get change, and tell them where you come from;' that on this same night he had called at Byfield's, the confectioner's, and tried there, and they could not do it; and that he went and saw Stephens's partner; it being very late Stephens's was not there, that he got change for it there, and that was the whole. But I told him he must come and speak about it, that a summons would be sent to him, and would it hurt him with respect to his master and mistress, his being examined; and he told me they would not be angry, he supposed, for it was lady Winterton's son he lived with, and he supposed lady Winterton would not be against it. I spoke to him the other night in the room, I do not know whether before he was examined or afterwards, and he told me that he had called at Stephens's in Bond-street, and that they would not give him any information about the note, which I believe he did not state in the house.

[The Witness was directed to withdraw.

Mr. *Wardle* then rose to state, that he had since seen Mr. Peirson, who said, that since he had given his testimony at the bar, he recollected perfectly that he had changed a large note, by the direction of the Duke of York and Mrs. Clarke. The note had been given him at night, and was not changed till the next morning. Upon his (Colonel Wardle's) asking him how it happened that he did not recollect that, when he was examined at the bar of the house, he answered, that he was subject to dreadful head-aches, and had one at the time he was examined. He did not then remember the wine-merchants in Bond-street: but he now recollected it, and was very ready to be examined again at the bar, if the committee should think proper.

[The Witness was again called in].

(*By Sir T. Turton.*)

You have stated, that you recommended Mr. Dowler to h. r. h. the D. of Y.; in what character did you represent him to the D. of Y.? As a gentleman.

Did you represent him as a friend or relation of your own? Never as a relation, as a friend.

In recommending him to the D. of Y., did you mention that you were to have any, and what sum, in case he was appointed to the commissariat? H. r. h. knew that I was to have a sum, for I told him that old Mr. Dowler had come up to sell it out of the funds.

Did you communicate, at the time, to the D. of Y., that you were to receive any, and what sum? I cannot exactly say to that; but I told h. r. h., that he would behave more liberally to me than any other person for the same appointment.

Are you quite sure of that? Quite.

Did you ever hear Mr. Dowler say that he was acquainted with sir Brook Watson, the commissary general? No further than that he knew him personally, or in the city; and I told h. r. h. of it, that Mr. Dowler knew a little of sir Brook, and he said, that is a very good thing; but I believe sir Brook is dead; and I cannot make use of the expression that h. r. h. then did about him.

Are you quite sure that Mr. Dowler did not represent to you, that he or his father had some interest with sir Brook Watson? No, he never told me that he had particularly; he told me that sir Brook did not like him, for his father's way of voting, if I recollect right; I mean the city voting.

(*By Mr. Lockhart.*)

Did you ever receive a List of names for promotion from any other person than captain Huxley Sandon and Mr. Donovan? I never received such a long List from any one, nor such a List; I never received more than two or three names; this I had for two or three days; it was pinned up at the head of my bed, and h. r. h. took it down.

If you received any List containing two or three names, from whom did you receive such List? It will be seen, by the witnesses that have already been examined, that there were a great many sorts of agents or people that used to come and ask me things about them, and I cannot recollect; and I believe I got into very bad hands, or it would never have been exposed as it is now.

Cannot you recollect the name of any one person who gave you a List? I have mentioned the name of capt. Sandon and Mr. Donovan; and there was a lady with Mr. Donovan the other night, in the room, which brought many things to my recollection, perhaps she can speak to something; she is an officer's widow, and, I believe, quite in the habit of military intrigue.

Did you ever circulate a List of Prices of Commissions? No, I never did; that did not belong to me, I never did it; I have seen such a thing, I saw it in Cobbett, but it is not true.

What is the name of the lady you have just mentioned, the officer's widow? She was with Mr. Donovan the other night; I used to see her very frequently; I have not seen her these three years; I do not recollect her name at present, I shall think of it presently, she is an Irish lady. I have received a Letter this instant, which has exceedingly interested me, begging me that I would not go on, or to that effect; but I would wish the gentlemen here to ask col. Mac Mahon, that my character may not appear so very black as it does at present; I would wish the house to inquire of col. Mac Mahon, if he thought I made any improper propositions, or any thing unjust, to the D. of Y. I wish them to ask only of col. Mac Mahon, what were my propositions to the D. of Y., and to inquire into all the particulars respecting the message of which he was the bearer; I am exceedingly sorry to expose him so.

The *Chairman.* Have you any objection to deliver in the Letter you have received? I have received one before; I will perhaps in a few days, but not to-night; I have hardly read it over.—[The Chairman informed the Witness, that it was the pleasure of the Committee that she should produce the Letter she had just received.]

When did you receive that Letter, where did you receive it, and from whom? I received it at this door.

On the outside of the door? This instant, when I went out.

From whom? I believe one of the Messengers.—[The Witness delivered in the letter, and it was read.]

"Westminster Hall,
Thursday night, 8 o'clock."

"Madam; I am most anxiously desirous to "see you to-night. The lateness of the hour "will be no difficulty with me. It is, I trust, "quite unnecessary to observe, that business "alone is my reason for expressing by this "solicitude in so earnest a way; or that if you "think a more unreserved communication "might take place at Westbourne-place, I "would be there at your own hour to-night. "To what this particularly refers you may "have some guess, but it would be highly im-"proper to glance at it upon paper. I will "deliver this to one of the messengers, who "will convey to me your answer; or if your "feelings at all accord with mine, you will not "perhaps think it too much trouble to write two "notes, one to the care of the messenger who "delivers this, the other addressed for me at

"the Exchequer Coffee-House, Westminster-
"Hall. Believe me, Madam,
"Most sincerely your friend,
"WM. WILLIAMS."

"P. S. I have tried two or three members "to deliver this, but they are afraid some in-"jurious suspicions might attach. I hope you "will not attribute my hasty manner to negli-"gence or disrespect."

(By the Attorney General.)

Is this the Letter that so much interested you? Yes, it is.

Is this the Letter that desired you not to go on? In my opinion it is, from what occurred yesterday.

What do you allude to as having occurred yesterday? A letter came to me yesterday from the same gentleman, and I could not exactly make out what it was or what he meant by it; he said he had seen me at the play one night, in company with lord Lennox and sir Robert Peate, about two months since, and that he took the liberty of addessing a letter to me to grant him an interview; I sent down my servant to say I was at home to him; this was the gentleman whom I alluded to as being the only one I had seen since I quitted this place. When he came into the drawing-room yesterday, he asked me whether there was any one in the back room; I said upon my word and honour not; but I told him as my character now seemed so much hacked about with every one, I would open the door and convince him, which I did; he then began to question me how I felt towards the D. of Y., if I had any revenge, or if I had any wishes that h. r. h. had not satisfied, and if any thing would induce me now to abandon the country with my children, and take all the blame on my own shoulder; that no sum whatever would be backward if I would say that I would; as my character now had been so very much with the public, it could not be worse if I would take it upon myself and abandon my country with my children, and I should be provided for for life in the handsomest manner possible; that he had no authority from the D. of Y., but it was the Duke's friends.

Mr. *Brand* submitted to the house the necessity of taking immediate measures for securing Mr. Williams.

The *Chancellor of the Exchequer* was for the most prompt step possible.

The doors of the house were instantly ordered to be secured, and, on the motion of the Chancellor of the Exchequer, the Chairman having been previously instructed to report progress, and to ask leave to sit again that afternoon, the house was resumed.

The *Chancellor of the Exchequer* moved, "That the Serjeant at Arms have orders to take into custody William Williams wherever he could be found." Agreed to *nem. con.*

The Serjeant was then ordered by the Speaker to do his duty.

The Chairman reported progress, and obtained leave to sit again that afternoon.

Mr. *W. Smith* wished that Mrs. Clarke might be called in to say from whose hands she received the letter.

Mr. Yorke and several other members addressed the house, but the prodigious tumult prevented us from collecting the tenor of their observations.

Mr. *Whitbread* moved, that the house should remain in its present state until the return of the Serjeant at Arms.—Ordered.

The *Speaker* stated, that it would have been competent for the committee, in support of their own proceedings, to order the Serjeant at Arms to take into custody any person without delay. The first duty of the chairman would then have been to report progress, and, when the person was actually in custody, to move that he be committed.

The Serjeant at Arms then appeared at the bar, and informed the Speaker that Mr. Williams was in custody. The Committee being resumed,

Mr. WILLIAM WILLIAMS was brought in, in the custody of the Serjeant at Arms, and examined

(By the Chancellor of the Exchequer.)

Is that your hand-writing? This is my hand-writing, and I delivered that letter myself to the door-keeper.

Will you inform the committee who and what you are? I am a clergyman.

Where do you live? Am I bound to answer this question? I have some personal reasons for not doing so; reasons applicable to me personally, to my private affairs. [The Chairman informed the witness he was bound to answer the question.] My place of residence is now at No. 17, Somers-place, East, in the New Road, near Somers Town.

You have seen this letter which you delivered to the door-keeper; of course you are acquainted with the contents of it? I suppose the letter in your hand to be the same which was put into my hand just now; I am acquainted with it, having written it within this hour.

What was the business on which you wished to see Mrs. C.? I had business with her; I am sure I do not know how decorously to answer this question, but it has no reference to the examination now going on before this house.

Were you at Mrs. C.'s house yesterday? Not yesterday, the day before.

What passed upon that occasion? The whole is not exactly in my recollection; I believe I was near an hour there.

State as much as you can of what passed upon that occasion.—I am taken somewhat by surprise, but I will as nearly as I can recollect; it had some general reference to the transaction that is now investigating before the house.

State the substance of it.—She asked me if I had seen the newspaper; I replied in the negative; she then related to me part of what I have since seen in the newspapers, that she was fatigued after many hours waiting here; I believe that was the substance of what she related.

Are you certain that it was the day before yesterday you had this communication? It was the morning after she was examined here; if I answer the question confusedly, I hope you will not be surprised at it, for I am a little surprised at finding myself here; this is the substance as far as related to any thing else that had reference to our acquaintance: I mentioned some persons that we were acquainted with, and as to their health, and matters, not, I think, worth relating to the house; if you wish I will refresh my memory, and state the minutiæ.

Did you state any thing to Mrs. C. as to the course of the examination hereafter to be pursued upon this business? I do not recollect that I did.

Did you give Mrs. C. any advice as to what she had best do upon this subject? I spoke I believe something to this effect, that it would be well and proper for her to be cautious.

Was that all? I believe I added, what every body is aware of, the high connections of the personage whose conduct is now under your investigation, and that of course I reiterated what I had said before, that caution, I thought, would very much become her.

Did you advise Mrs. C. to get out of the way? I never did.

You are quite certain that you did not give her any advice of that sort? I did not.

Did you represent, that you came from any of the friends of the D. of Y.? I did not, I spoke ambiguously, but I did not give her any such intimation whatever.

What do you mean by saying you spoke ambiguously? I spoke the sentiments of my own mind and my own cogitations upon that subject, not having any intimation from any individual in the world.

For what purpose did you go to Mrs. C. upon that day? I suppose I may be allowed to pause a moment or two before I answer that question, because it involves a variety of circumstances that now press upon my mind. [The Witness paused for some time.] Among other things, I thought that the confidential intercourse that must have passed between her and the person whose name perhaps I am not at liberty to mention, might have given her opportunities of observing upon his conduct in moments of unreserved communication, and that to introduce matters of that sort before this house would excite certainly his personal resentment as well as the indignation of his family, and that whatever promises might be held out to her would probably not in the event be found sufficient to protect her from the resentment that they probably might conceive it was right at some time to exercise upon her: I suppose I have said enough to convey to the house my sentiments; and to expect of me minutely to detail all that passed in that conversation, would be, I think, an unreasonable expectation.

Did you advise Mrs. C. to go out of the kingdom with her children? I did not.

And that they should be provided for; did you make any promise to her? I made no promise to her whatever.

Did any body advise you to go to Mrs. C.? It was a suggestion of my own mind.

Had you been acquainted with Mrs. C. before? Very little.

How long had you been acquainted with her? Precisely I cannot say; perhaps two months.

Where had you seen her before? At the Opera-house.

Had you seen her any where else but at the Opera-house? No.

Had you any conversation with her at the Opera-house? No.

Were you introduced to her there? I might be said to be introduced; it was rather casual; it was in the presence of persons known to us both.

How long was this? About two months ago.

Who were the persons present? Lord Lennox and sir Robert Peate. I beg leave to add, that I had not been directed or instructed, or requested to address Mrs. C. on this, or any other subject, by any person whatever; and after mentioning the names of those two gentlemen, I think it very hard they should be implicated in this which has taken me by surprise.

What led you to come here this afternoon? I was extremely anxious to see Mrs. C.

For what purpose? If I am positively bound to answer that question at the peril of imprisonment, of course it must be answered; to whom am I to address myself for an answer to that question?

[The Chairman informed the Witness, that it was the pleasure of the Committee that the question should be answered.]

My reason was, to attempt, if I could, to persuade her from that ironical, sarcastic, witty animadversion that sometimes had fallen from her, with reference to the person that I before alluded to.

Was that the object with which you wrote this letter? That was one of the objects.

What other object had you? I will answer particularly afterwards; generally, I will say it was with a view that was by no means adverse to the person whose conduct is now under investigation, but just on the contrary; and therefore I am the more surprised at the harsh manner in which I have been treated.

State what your other object was in writing this letter to Mrs. C.—I thought that if I had an opportunity of seeing her before the appointment that I had to-morrow morning with an agent of h. r. h. that probably I might suggest to her something to prevent those things that did not serve to elucidate the investigation now going on, but to excite the inveteracy of those personages to whom I before alluded.

Who is that agent? Mr. Lowten.

Who made the appointment with you? By agreement, I addressed Mr. Lowten first, and afterwards the appointment was made.

For what purpose did you address Mr. Lowten? For the purpose I have given to the house before.

Did you apply to Mr. Lowten by writing, or address him verbally? I had spoken to two or three members of this house, upon this subject.

Name them —Mr. Adam and col. Gordon; the other waived it entirely. I am unwilling to mention him; it is col. Mʻ Mahon, if I am desired to mention him.

Did you apply to Mr. Lowten personally or by letter? I was desired by two of the gentlemen whom I have named; col. Mʻ Mahon conceived of this very differently from what many members of this house do: they thanked me for the communication; he does not conceive of any hostility to h. r. h. in the communication, but just the contrary. If there is any thing culpable in my conduct, I am amenable to the censure of the house, and am willing to abide by it; but I do not know that gentleman acts decorously to me, in making me the subject of personal merriment and ridicule.

Was it by personal address or by writing you made the appointment with Mr. Lowten? I hesitated whether I should speak to Mr. Lowten or not, and when I spoke to Mr. Adam I declined it; but coming here with this letter, I met Mr. Lowten, within these two hours, and then I addressed him.

What did you say to Mr. Lowten? I knew Mr. Lowten officially, and no otherwise; I understand that he holds an office, indeed I have seen him in the exercise of his office in the Court of King's Bench.

What did you say to him? I told him that I had spoken to the gentlemen (I believe that was pretty near the commencement of my conversation with him) whom I have recently named, Mr. Adam and col. Gordon; and I told him also that they declined, and seemed apprehensive; they seemed to think there was a delicacy and difficulty in it, which inclined them to have nothing to do with it; they advised me to communicate to him, and when I met him I took the liberty to address myself to him.

Did you tell Mr. Lowten the nature of the subject, which you had to communicate to him? I said (I did think I expressly guarded what I had to say with this observation) that I had no message from Mrs. C., or any communication, directly or indirectly, to make from her.

What did you say you had to communicate to Mr. Lowten? I said I thought, as matter of opinion arising out of my own mind, that it was possible, I do not know how I expressed it, but I meant to convey to prevent her going into that irrelevant matter, and I believe the observation I made was this, that it was impossible for any man in an unreserved communication of four years, not in some period of that length of time to have said and done those things which the House of Commons had very little to do with.

Was it upon that communication to Mr. Lowten, that he made an appointment with you to come to him to-morrow morning? I recollect no other.

What did you tell Mr. Lowten you had to say to him on the subject on which you were to speak to him to-morrow morning? I have told you this moment that was the subject I had to speak upon.

To prevent Mrs. C. going into irrelevant matter? Certainly, that was the main object.

How were you to prevent it by going to Mr. Lowten? Certainly, this is a question I am not prepared exactly to answer: I am not sure that I could prevent it at all, and the means must arise out of the circumstances.

What did you mean to propose to Mr. Lowten as the means by which Mrs. C.'s examination might be in any degree altered? I am sure I do not know exactly what I should have said to Mr. Lowten to-morrow morning, but what I should have said to him would have arisen out of the circumstances, and probably out of the communication I should have had with Mrs. C. to-night: and it was for that purpose that I expressed so anxious a wish to see her, as I conveyed in that Letter that is laid upon the table.

What did you expect would arise between Mrs. C. and yourself to-night, which you expected would enable you to make a communication with effect to Mr. Lowten, to-morrow? I do not know whether I may not be allowed to go a little into explanation, and not to answer sententiously and immediately, but in an intercourse and friendship of four years much might have passed that it would be proper to suppress.

What did you expect would arise between Mrs. C. and yourself to-night, which you expected would enable you to make a communication with effect to Mr. Lowten to-morrow? If it is intended by these questions that I should ——It is impossible, I do not know how to answer the question, I have not the capacity, I do not understand it.

What did you expect would arise between Mrs. C. and yourself to-night, which you expected would enable you to make a communication with effect to Mr. Lowten to-morrow? I confess, standing here as I do, that if an inquiry of this sort was going on upon my own subject, there are many things already which have transpired which I should be sorry should transpire, and which have nothing to do with a political question; that is the only way I can answer it.

How was it to affect the communication with Mr. Lowten to-morrow in consequence of your seeing Mrs. C. to-night? I did not certainly intend to interfere, or to prevent the inquiry, or to smother the inquiry, or to advise her to suppress any information that has reference to the investigation now going on before the house: but I did think, that if I could persuade her to avoid those sort of witticisms to which I alluded before, and those sort of observations——If the gentlemen wish me to answer this question in such a way as to prove I have been guilty of a breach of the privilege of this house, I cannot do that; I know the deference due to this house, and am willing to treat it with proper deference. May I take the liberty to make one more observation on the law of evidence?

[The Chairman informed the witness that he was not called to the bar to make observations, but to give evidence.]

Then may I take the liberty of asking, whether I am bound to give that sort of evidence that would criminate myself, and is not this leading to it?

Had you written the Letter at the time you saw Mr. Lowten? No, I wrote the letter subsequently; it arose out of the conversation I had with him. As a matter of humanity I address myself to the Chair, with reference to the Chancellor of the Exchequer, whether, as a lawyer, taken by surprise as I am, it is right to propose questions to me, that if they were answered would criminate me.

Do you refuse to answer these questions which are put to you, under the fear that they will criminate yourself? No, I do not, upon my honour.

[The witness was taken from the bar.]

Mr. *Kenrick* then rose in his place to make a statement of what he had heard respecting this last witness. Mr. Jones, the messenger, pointed him out in the lobby, as he was assisting in seizing him. When he was brought into the Vote Office, the account he there learned of him was this: Mr. Lowten represented him as a man whom he believed to be out of his mind. He had for a long time teased Mr. Jones, the marshal, endeavouring to persuade him that he was a very near relation of his. He was convinced that this Mr. Williams laboured under a mental derangement.

WILLIAM ADAM, Esq. attending in his place, made the following Statement.

Many persons have desired to see me since the commencement of this business, who have not sent any name; and I have given orders to let nobody in, who did not send in their names. This gentleman called yesterday, about five o'clock I think or a little after five: he sent in no name, but a gentleman wished to see me. I desired to have the name, and I thought the name given in, was Williamson; I had seen a gentleman of the name of Williamson, in the morning, a clergyman of Shefford, in Bedfordshire, and I believed it to be the same person; I went into the hall to him, to the outer door; I found it to be a different person; and this gentleman who has just been at the bar, addressed me, and said he had something to communicate, respecting this business that was proceeding in parliament; I said I could hear nothing from him; he seemed extremely anxious to state something; I stopped him, and told him if he had any facts or circumstances to state, Mr. Lowten was employed as h. r. h.'s Solicitor, and he might go to him, and desire an appointment; he left the house; and that was all that passed.

JOHN M'MAHON, Esq. a Member of the House, attending in his place, made the following Statement.

To my extreme astonishment, I found my name alluded to by the lady who has just been examined at the bar; I cannot tell for what possible purpose she has alluded to me; I have nothing to offer to this Committee, that has the least relevance, or can throw the smallest light upon any subject whatever, that the hon. gent. has brought before the consideration of this house. In consequence of an anonymous note that was written to h. r. h. the Prince of Wales, promising very important communications, I did, at the command of the Prince, lightly as he treated the Note, nevertheless call at No. 14, Bedford-row, Russell-square, where the note was dated from. Upon going there, the woman who opened the door, and from whom I thought I saw much that told me she had put that note into the penny-post or the twopenny-post herself, I asked her the name of the lady of the house, that I wanted to see; she desired me to tell my name: I told her I could give her no name, but produced the note, which she immediately remembered to have put into the twopenny-post, and said it was written by her mistress. I was then conducted into the house, into a parlour, where certainly there were a great many of those morocco concerns, which she has mentioned before, for there were ten chairs I think set round the table, from the supper or the dinner of the day before; after remaining some time, I was conducted up stairs, where I saw the lady whose name I was told to be Farquhar. The lady in perfect good humour came out and received me; and I held the note I was possessed with, as my credentials, for her communicating whatever she might think fit to tell a third person, not pressing her to any communication which she ought not to give to me. She told me, that she would communicate nothing to a third person; I then told her that it was impossible that I could hold up any expectation of an interview with such a person as the one to whom that letter was addressed, unless she gave me some clue or some plausible pretence for it, and that I had no idle curiosity to gratify. She then entered into a conversation of so general and so extraordinary a nature, that I am confident this house would not for one moment entertain it, because the tendency and intention of it was to make bad blood between two illustrious brothers, whose affections could never be shaken by any such representation; at least, I am confident, that the illustrious person, I have the pride and glory to serve and love, would be incapable. She then told me she would shew me letters to prove and to establish, that there was a hatred on one part to the other; I declined seeing any letters; she then said, I would commit those letters to you, for the perusal of the illustrious personage; to which I, as my bounden duty and firm conviction, said, if they were lying at his feet, he would scorn to look at one of them. In this interview, at first, I stated that I thought she was a friend of Mrs. C.; she said, Certainly she knew Mrs. C. extremely intimately, that there was nobody she loved and regarded as she did Mrs. C.; that she perfectly knew her. She then asked me if I knew Mrs. C.; I said I do not. "Do you know her, Sir, by person?" I said, I believed not. "Do you know her by character?" Yes, said I, her fame is very celebrated; and I have heard of Mrs. C., but know nothing of her myself. She asked me then what I knew; I said, it certainly was not to her advantage; but I had heard the D. of Y. had been very generous to her, and that she had not been very grateful on her part; but that was only from information I had received. She then proceeded to state, what I throw myself on the consideration of the house, as it might be the effect of passion, and appeared to me a disposition to gratify her revenge by representations that I do not think the house would for a moment permit me to expose, when it went to a tendency of making bad blood between two brothers. We then proceeded. I soon after said, "I am speaking to Mrs. C. herself." I thought so, from several things she told me, that I wish not to repeat: I said, "I am confident I am addressing myself to Mrs. C. herself:" She laughed, and said, "I am Mrs. C." I then begged her a thousand pardons for the portrait I had drawn, but disclaimed being the painter. "I am sure you are not, for it was Adam and Greenwood that gave you my character." We then proceeded, till she made a statement, that I have no hesitation in declaring to this committee did, in its statement, appear such as I could with honour and character entertain and listen to; that, under every compassionate feeling and sentiment, I felt no indisposition to listen to and entertain. She stated to me, that Mr. Adam had called upon her, and in a very firm, but steady manner, told her, that the D. of Y. was determined to separate from her; but that if she retired into the country, and conducted herself with propriety and decorum, he would allow her 400*l.* a year; that she had accordingly so retired into Devonshire for several months, but failing to receive the remittances she expected, she had been driven to town for the purpose of gaining her arrear, and placing her annuity upon a more regular mode of payment; that if that condition was complied with, by the payment of her arrear, and of securing the punctuality of it to her in future, h. r. h. should never hear any more about her. Upon the fairness of this statement, supposing it to be true, (I do not pretend to say what my opinion of it was) I said, if your statement, Mrs. C., is correct and orthodox, I will certainly wait upon Mr. Adam, and state it to him, to know where the objection lies to the payment of your annuity. That was in the month of July last. Mr. Adam had gone, two days after I saw Mrs. C., into Scotland, and had not returned when I came back to London in Oct., therefore I never saw him but at the persuasion of Mrs. C., by a letter she wrote to me, she saying that h. r. h. was prepared to hear what I had to say, as she told it to him. I had the honour of waiting upon the D. of Y., and telling h. r. h. exactly what she had stated, not pretending to vouch for its veracity in any shape whatever. His r. h.'s immediate and prompt answer to me was, Her conduct is so abominable, that I will hear nothing at all about her. Any thing I could possibly offer after what I have now said would be superfluous; there is the conclusion, that is the epilogue of any thing I have to state; and as to any question thought proper by the hon. gent., or any circumstances he has cited or remarked upon, I am as ignorant as a man unborn.—With regard to the gentleman who has this moment been at your bar, I did receive a letter from him last night, which I have in my pocket, and will deliver, if it is the pleasure of the house, to which I certainly wrote him a civil answer: I said I was obliged to him for his attention, but that I had no interference in the question before the house, and that I never would directly nor indirectly have any interference with it. [Colonel M'Mahon delivered in the letter, and it was read.]

"Sir; I have this moment left Mrs. C., and "I think there are parts of the conversation "I have had with her, any confidential "friend of the D. of Y.'s would be solicit"ous to know. If you are of that number, "you perhaps would choose to see me; or, "if not, refer me to some one immediately "you think would. I hope you will not "attribute the hasty manner of this confus"ed address intentional want of decorum, "for, on the contrary, with the sincerest "sentiments of gratitude, and very great "respect, I am, sir, &c. Wm. Williams.— "Richold's Hotel, near 1 o'clock, Wednes"day."

"I understood you was going to ride; I have "therefore directed the Porter, if possible, "to find you."

Colonel GORDON was called in, and examined.

(*By the Chancellor of the Exchequer.*)

Have you seen a man of the name of Williams? I have.

Did he say any thing to you upon the subject of this inquiry? I will state to the house exactly what he did say: About 4 o'clock this evening I was at the Chancellor of the Exchequer's on business, and on withdrawing, a servant of Mr. Perceval's told me that a gentleman was in such a room, and desired to see me. I was shewn into the room, and I there saw a person whom to my recollection I never saw before. He addressed me as follows: "Never having had the honour, Sir, of being introduced to col. Gordon, I am not certain that I am now speaking to him; are you col. Gordon?" I said, Sir, that is my name. He had said, Sir, I have been desirous of making a confidential communication to the D. of Y. upon the business now before the house, and to that purpose I addressed a letter to col. M'Mahon yesterday. Col. M'Mahon wrote me an answer (I think he said a civil answer) declining any interference whatever. I have addressed myself this morning to Mr. Adam, and he declined it also. Now, Sir, if you are of the same way of thinking as those gentlemen, it is needless for me to enter upon the business. I said, I am entirely of that way of thinking, Sir. He said, My object is to make a communication to the D. of Y., of a conversation I had with Mrs. C. (I think he said the day before yesterday or yesterday, I will not be quite certain about that) and I think it very desirable that the examination which she is to undergo this evening should be suppressed. I told him that I declined making any communication whatever, and that I was not in the habit of making any confidential communication to the D. of Y., but what arose out of my official situation, and my words were these: I recommend you, Sir, to go to Mr. Lowten, he will advise you, and advise you well. I then withdrew, for the purpose of going out of the room, and it occurred to me I might as well ask him his name, and I addressed him in these words: Pray, Sir, do me the favour to give me your name. He hesitated at that, and told me he had told it to Mr. Adam. I repeated my question, I beg, Sir, to ask your name; he said, Sir, my name then is Williams. I think I am correct in what I say. He walked out of the room, and I thought it necessary to call Mr. Perceval, and told him word for word what I have now had the honour of repeating to the house.

[The witness was directed to withdraw.]

The Right Hon. CHARLES LONG, a Member of the House, attending in his place, made the following Statement:

I have been very anxious to say a word to the committee, in consequence of the manner in which my name has been mentioned by Mrs. C., and have only been prevented doing so, in consequence of the interruption that has taken place in her examination. She stated that h. r. h. the D. of Y. had mentioned to her, that he had mentioned Mr. Dowler's name to me for an appointment in the Commissariat, and that in consequence of that I had said it should be settled immediately. Upon that I have to state, that to the best of my recollection h. r. h. never mentioned the name of Mr. Dowler to me upon any occasion whatever, nor do I recollect having heard his name, until I saw that gentleman at the bar of this house. The other point upon which my name was also alluded to, it is hardly necessary, perhaps, I should explain; but I have only to say upon that, that Mrs. C. has stated that h. r. h. had also said that he had shewn a List of 17 Members of this house who would vote with Mr. Pitt in case this appointment took place, and that I was very much delighted with the list: if I had seen any such list, I dare say I should have been very much delighted with it, as it was represented that a number of gentlemen of that side of the house were likely to have voted upon that question with those with whom I generally act; but I have only to say, that neither upon that occasion, as connected with the appointment of Mr. Dowler, nor any other, did h. r. h. ever shew me any such list.

(By Mr. C. Wynn).

In the year 1805, were any appointments made to the Commissariat through you, by h. r. h.'s recommendation? I remember particularly the recommendation of the D. of Y. being made through me to Mr. Pitt, for the appointment of Mr. Manby to the Commissariat early in 1805; h. r. h. mentioned to me, that great disputes prevailed amongst several of the officers of the 10th Light Dragoons, and that the paymaster, Mr. Manby, was very much involved in those disputes, he thought; that all the officers, I think he said, were a good deal to blame, as well as I recollect, and that he was quite sure that the animosity that subsisted would never be done away while Mr. Manby remained paymaster of that regiment; he said, that he did not think that any thing that had come to his knowledge impeached the integrity of Mr. Manby, but that he wished him to be removed to some other situation to which his talents were adapted. About the same period, an hon. member of this house, one of the members for the county of Surrey, who represented himself, I think, as a relation of Mr. Manby's, stated also his anxious wish to me, that some appointment might be found for Mr. Manby, and that he should quit the regiment. I mentioned, as I was desired, to Mr. Pitt, both what had been stated by h. r. h., and what had been stated also by the hon. member to whom I have alluded, Mr. Sumner; and, in consequence of that, he was appointed an assistant commissary.

Did you, about that time, receive any other recommendation of the D. of Y.'s for the commissariat department? None whatever, that I recollect.

Mrs. MARY ANN CLARKE was called in again, and examined.

(By Mr. Lamb).

What first gave you the idea that it was possible to procure money by disposal of commissions in the army? By persons applying to me; and I found that h. r. h. was very ready to oblige me when I asked him.

Do you recollect having desired Mr. Corri to burn any letters or papers that were in his possession? Yes, I do.

Was that desire expressed by letter or by word of mouth? By word of mouth.

When was that desire expressed? I cannot speak as to the time, but I believe some piece of work had happened publicly; I forget upon what occasion, whether it was about lord Melville's Trial, or what, something or another that way.

Do you recollect having made use of these expressions, That there would be a terrible noise about it, and the Duke would be very angry? It is very likely I did; I dare say I did.

What did you mean by those expressions, in case you did use them? That he would be very angry with me for being incautious.

(By Mr. Lyttleton).

You have stated, that you only received 1,000*l.* a year from the D. of Y.; had you credit with the Duke's tradesmen? No.

You have stated, that you received money for procuring a commission for Mr. Dowler and a Letter of Service for col. French; was money paid to you before you made applications to the Duke upon either of those accounts? No.

Had you a promise of money? Yes.

When you made the application to the Duke, did you state to him that you had a promise of pecuniary reward? I stated the whole case of Mr. Dowler.

(By Mr. Sheridan).

Do you recollect to have had any negociation respecting other promotions, entirely disconnected with the Military department? If you will point out what those things were, I will answer to it.

Had you any negociation or money transactions respecting promotions in the Church? I never received any; but a Dr. O'Meara applied to me; he wanted to be a Bishop; he is very well known in Ireland.

Are you confident you never had any application or negociation for any other preferment in the Church, but this of Dr. O'Meara? Yes, lately.

State what those applications were. I hardly gave myself time to read them, as I have no interest now.

For what rank of promotion were those applications made? Something about a Deanery or a Bishoprick.

Through what channel were the persons applying led to believe you were to promote their wishes? I do not know; I believe still the D. of Y., they thought.

Those applications were since the connection between yourself and the D. of Y. had ceased? Yes.

Did you state the name of any other great or illustrious person to those persons so applying, or any agent applying on their behalf? No, certainly not.

(By the Chancellor of the Exchequer).

Do you recollect the name of any person who applied for those church preferments? Is it wished the gentleman who wrote to me, or the gentleman who wanted the step in the Church.

Both.—Those are some of the letters that col. Wardle ran off with, that relate to them.

State the names of any persons who applied for those Church preferments.—The gentleman is determined to deny it; I have just been speaking to him now upon that subject.

What is his name? Donovan.

On whose behalf did Mr. Donovan apply to you? I do not know; he talks a great deal about Dr. Glasse, and a great many other Doctors; but it was not for Dr. Glasse that the appointment was wished.

For whom was it that the appointment was wished? I cannot recollect the name, but it is in those letters that col. Wardle has, I think.

How do you know that Mr. Donovan means to deny this fact, of having made this application to you for church preferment? I do not know that he means to deny about the Church preferment; but he means to deny it altogether; and I never did prefer any one to the Church.

Did you ever receive a letter from Mr. Donovan, telling you to be very quick in your application to the D. of Y., or perhaps some other illustrious person would interfere with him, and get the preferment; and who was that illustrious person? I believe the person who takes almost all the Patronage of the Church in England, he alluded to, or who is entitled to it, as being the first Female Personage in England; but col. Wardle told me he would never bring that name forward, or that letter.

Did you ever receive a letter from Mr. Donovan, telling you to be very quick in your application to the D. of Y., or perhaps some other illustrious person would interfere with him, and get the preferment? Yes, I received such a letter.

Did you ever communicate Dr. O'Meara's offer for a bishoprick to the Commander in Chief? Yes, I did, and all his documents.

What was the Commander in Chief's answer? That he had preached before his majesty, and his majesty did not like the O in his name. I never mentioned that till this moment, except to the Doctor himself.

Did Dr. O'Meara specify any particular sum; and what was that sum? I think that gentleman must be a friend of his, and he must know better than I do, and he may recollect perhaps.

Did Dr. O'Meara specify any particular sum? I forget; and I have burnt almost all my papers: I might recollect, but not at this moment.

(By Mr. Yorke).

Do you recollect at what time Dr. O'Meara made this application? In 1805, the very night that the Duke was going to Weymouth; he called upon me the moment the Duke had left the house, between twelve and one o'clock; I think he watched h. r. h. out, as he had seen that his horses were waiting in Portman-square, and then he came in just as I was upon the stairs, and said it was a very good opportunity, for he was going to Weymouth immediately, and asked me to come down stairs again, and write him a letter of introduction to h. r. h., and I did so.

You have said you had no credit with the Duke's tradesmen; do you mean to say that the Duke did not pay any of your tradesmen's bills? I do not recollect that ever he did, except one to a milliner.

(By Sir George Warrander).

You have stated, that the D. of Y. had paid several sums of money in addition to the 1,000*l.* a year, upon various occasions; do you still adhere to that statement? He paid 1,300*l.* to the silversmith, to balance from what I had paid; I do not recollect any thing at present but that.

Did not the D. of Y. pay several other considerable sums, besides the 1,000*l.* a year, during your residence in Gloucester-place? He paid for one landau, and that is all I can recollect at all.

Are you positive that you can recollect no other sums being paid for you by h. r. h.? I cannot recollect one except those.

What was the amount of your debts at the separation from h. r. h.? Something under 2,000*l.* I sent in to him the next day by Mr. Comrie; but I found them to be more, upon examination.

Did you understand, when you were asked whether the D. of Y. had paid any other sums besides the 1,000*l.* a year, that the question applied to sums paid to tradesmen; if so, state now whether you received yourself any sums from the D. of Y. besides the 1,000*l.* a year.—I do not recollect any.

For what period did you reside in Gloucester-place? I should think about 2½ or 3 years.

(By Sir James Graham).

During the 2½ or 3 years you lived at Gloucester-place and Weybridge, was the D. of Y. well acquainted with the extent of your establishment? Certainly, never a day passed without his being there, except the time that he went to the king.

On whom was the Court Martial, on which you stated on a former evening that you had been a witness? On captain Thompson.

[The Witness was directed to withdraw].

Mr. *Whitbread* said, he rose in consequence of the assertion of Mrs. C. in the beginning of the evening (that she had been insulted and abused in coming into the house of commons), to move that the Serjeant at Arms be ordered to attend the witnesses to and from the house of commons, to protect them from any insult or injury that might be offered to them in obeying the orders of that house. He said, whatever might be the character, the morals, or the line of life pursued by the witness who had been before the house, that there was a certain deference and respect due to the sex which should not be violated on any occasion, least of all on her entrance into that house.

Mr. *Sheridan* said, he felt it his duty to object to the motion of his hon. friend, for two reasons, first that he did not wish it should appear that it was necessary to make any such order; secondly, that on the most accurate inquiry into the business, he understood that no insult whatever had been offered the witness in the course of the evening.

Mr. *Whitbread* said, that if his right hon. friend would say that no insult had been offered the witness, he would not persist in his motion.

Mr. *Sheridan* said he could not be positive, not having been present on the occasion; his knowledge was grounded on the strict inquiries which had been made.

JOHN CLEMENTSON, Esq. the Deputy Serjeant at Arms, was examined

(By Mr. Whitbread.)

State to the committee what you know relative to the coming of Mrs. C. to the house, and her passage from her carriage up to the door.—I directed the messengers, when Mrs. C. was ordered to be called in, to go to her; it was sometime before they could find her; I directed them to go to the different coffee-houses, and at last learnt that she was waiting in her carriage close to the house of commons. She sent me a message by a messenger, stating that she had been insulted, and she would not get out of her carriage till I came for her. Immediately I went down. When I got there, I saw seven or eight people or a dozen people, I do not think more; her carriage door was opened, and she was handed out, and not a word passed. I took a constable with me, and brought her up to the house. There was not a word said to her all the way I came with her here.

Was not there a considerable crowd in the passages leading to the house? Yes, there were several people, a great many servants, they were standing on one side; there was quite room enough for us to pass.

Did any of those persons insult her? Not a word passed, to my knowledge.

Who was the messenger whom you sent for her? His name is Skelton.

He was sent by you for Mrs. C.? Yes.

[The Witness was directed to withdraw.

Miss MARY ANN TAYLOR was called in, and examined

(By Mr. Wardle.)

Were you in the habit of visiting in Gloucester-place, when Mrs. C. was under the protection of the Duke of York? Very frequently.

Did you ever hear the D. of Y. speak to Mrs. C. respecting col. French and his levy? Once only.

Relate what passed at that time.—The Duke's words were, as nearly as I can recollect, 'I am continually worried by col. French; he 'worries me continually about the levy business, and is always wanting something more 'in his own favour.' Turning to Mrs. C., I think he said, 'How does he behave to you, 'Darling?' or some such kind words as he used to use; that was all that was said.

Do you recollect any thing further passing than what you have stated? Mrs. C. replied, 'Middling, not very well.' That was all that she said.

Was that the whole of the conversation? No.

Relate the rest—The Duke said, 'Master 'French must mind what he is about or I shall 'cut up him and his levy too.' That was the expression he used.

(By the Attorney General.)

How long have you known Mrs. C.? Ten years.

Have you known her no longer than ten years? I do not exactly recollect, it may be something more.

Where did you first become acquainted with her? At a house at Bayswater, near the Gravel Pits.

Where do you live yourself? At Chelsea.

With whom did you live at Bayswater? With my parents.

What are your parents? My father was a gentleman.

Do you live with your father now? No.

Is your father living? Yes.

Is your mother living? Yes.

Do you live with your mother? No.

Are you married? No.

With whom do you live? My sister.

What is your sister's name? Sarah.

Is she a married woman or a single woman? Single.

Where do you live? Chelsea.

In lodgings, or as housekeepers? Housekeepers.

Are you of any profession? If a boarding-school be a profession.

In what part of Bayswater did Mrs. C. live when you knew her there? It is called Craven-place, within two doors of our house.

Who lived with her? Her husband, when I first knew her.

Have you known any one living with her since? His r. h. the Duke of York.

Have you known no man live with her but h. r. h., since her husband lived with her? Not to my knowledge.

Have you seen much of her; have you been intimately acquainted with her? Yes.

You are not related to her, are you? My brother is married to her sister.

Did you know her when she lived at Tavistock-place? Yes.

Did her husband live with her there? I never saw him there, I understood she lived with her mother there.

What time passed between her leaving her husband and her living with the Duke of York? I cannot recollect.

About how many years? I do not know that.

How long ago did you know her at Bayswater? Somewhat about ten years; I cannot say exactly.

Had not her husband left her before she left Bayswater? I do not know.

Do you mean to say, you do not know whether Mrs. C.'s husband had left her before she left Bayswater? Yes.

What was her husband? I always understood he was a man of some fortune.

Do you know that he only had an annuity of 50*l.* a year, which was paid him weekly? I never heard such a thing.

Did you ever see him with Mrs. C., during the latter part of her stay at Bayswater? No.

During the latter part of the time Mrs. C. staid at Bayswater, you never saw her husband, Mr. C. there? I do not recollect that I did.

Where did Mrs. C. go from Bayswater? I do not recollect.

Do you remember her in Park-lane? She called upon me one day, and said she was in Park-lane.

Were you in her house, at Tavistock-place, often? Yes.

Did you live with her there? I never lived with her at all.

You never slept in the house? Yes, frequently.

Do you know that any one lived with her but her husband at that time? No.

You took her to be a modest, decent, woman, whilst she lived in Tavistock-place? She lived with her mother as I thought, and I knew nothing to the contrary.

What is your father's name? The same name as mine.

Taylor? Yes.

What is his Christian name? Thomas.

Where does he live now? I had rather be excused answering.

[The Witness was directed to withdraw.

Lord *Folkestone* was of opinion that she ought not to be compelled to answer, as there might possibly be circumstances attending the disclosure of this question, which might prove injurious to the witness's father; nor could he conceive that any material benefit would result to the present inquiry from the disclosure of this circumstance.

The *Attorney General* in reply observed, that he knew nothing of the witness; but sure he was, that much of the credit of the testimony of this evidence depended upon that degree of respectability which both the witness and her connections in society held. Would the noble lord or any member in the house deny, that the evidence of a prostitute, who might be picked up in a street, was to be equally relied upon with that of a person who supported a decent and respectable character? Nor was it immaterial to the present enquiry to know where the father and mother of the witness resided, as it was highly probable that the knowledge of this circumstance might tend to extract truth from the mine of error, with which it appeared to him to be involved.

[The witness was again called in, and the question proposed.]

I do not know.

(*By the Chancellor of the Exchequer.*)

Do you mean that your credit should rest upon the veracity of that answer, that you do not know where your father lives? I do not exactly understand the question.

[The Witness was directed to withdraw.

Mr. *Brand* said, that upon reflection, he trusted the right hon. gent. (Mr. Perceval) would not press the question, as it evidently went to wound the feelings of the witness.

The *Chancellor of the Exchequer* observed, that he could not help suspecting, that something would be disclosed by a direct answer to that question, that would greatly, if not wholly, discredit the testimony of the witness. It must appear a very extraordinary case, that neither of the sisters knew, or rather, would not tell, where the father was; and, therefore, he still adhered to his former opinion, that the question ought to be answered in a direct manner.

Mr. *Wilberforce* saw no good that could result from compelling the witness to answer the question in a direct form, as it was probable the fact could be ascertained by putting the question in another shape.

Mr. *Yorke* thought it utterly impossible to carry on the inquiry, unless such questions were pointedly answered; the truth could never be found out, and the obloquy under which the Duke of York had fallen, by a combination of some of the most abandoned characters, could not be so easily removed, if the witness was permitted to evade answering a question which in his judgment was fair and reasonable.

Mr. *Simeon* did not see any reasonable objection to the answering of the question, and therefore trusted the Committee would not relax.

[The Witness was again called in and examined

(*By the Chancellor of the Exchequer.*)

Do you mean seriously upon reflection to abide by your answer, that you do not know where your father lives? Yes.

How long is it since you have seen him? About a fortnight.

Do you know where he was living when you saw him last? At Chelsea.

In what street at Chelsea? I beg leave to decline answering that question.

What reason have you for declining answering that question? I do not like to tell so large an assembly where I live.

Were you living with your father? Some time ago.

A fortnight ago were you living with your father? He did not live with me, he had just come from the country.

Was he living at Chelsea? He staid two or three days with me.

Where had he been living in the country before he came to you? He had been going about different parts; I do not know where.

Is he of any business? No.

What objection have you, who keep a boarding-school, to tell this house where you live, particularly? I have answered that just now.

Will you repeat it? I did not wish to inform so large an assembly of my residence.

What reason have you for wishing to conceal where you live from so large an assembly? They will find I am poor, and doubt my veracity.

You may be assured your veracity will not be doubted on account of your poverty; state to the house where you live, and what street in Chelsea you live in.—China Row.

What number? No. 8.

Do you keep a boarding-school in that place? I and my sister do.

Was any body present besides yourself at the conversation which you alledge to have passed between the D. of Y. and Mrs. C., respecting col. French? No.

Did you often see the D. of Y. in company with Mrs. C.? Yes.

How often may you have seen him? I do not recollect; seldom three weeks passed that I did not.

How long have you kept a boarding-school? Two years.

At the same place? No.

Where before? At Kentish Town.

What part of Kentish Town; what street? It had no name.

Can you tell what number? No, it was neither a number, nor had the place a name; there were but two houses.

Did you keep that boarding-school under the name of Taylor? Yes.

Where did your father live at that time? I beg to be excused answering any questions concerning my father.

Where did your father live at that time? He lived with me during part of the time there.

How long have you lived at Chelsea? Last Michaelmas twelvemonth.

How long have you lived at Kentish Town? Not above three quarters of a year.

While you were at Kentish Town, where did your father live, when he was not with you? I had rather not answer that question.

While you were at Kentish Town, where did your father live, when he was not with you? I must appeal to the indulgence of the Chairman. [The Chairman informed the witness that there appeared no reasonable objection to her answering the question, and that therefore it was the pleasure of the Committee that she should answer it.]

I cannot recollect just now.

Why did you wish to be excused answering that question, when you only did not recollect where it was that your father lived? For that reason.

(By the Attorney General.)

How long ago is it that you heard the conversation you have been speaking of, between h. r. h. and Mrs. C.? I cannot say exactly.

As nearly as you can? During Mrs. C.'s residence in Gloucester-place.

Where did you live then? We moved about that time; but I do not recollect whether that circumstance happened afterwards or before.

From what place to what place did you move? From Bayswater to Islington.

Did your father live with you at Bayswater, at the time you removed to Islington? Yes.

Did he live with you at Islington? Yes.

Where did you live at Islington? Dalby Terrace.

Do you recollect what number? No. 5.

What business did your father carry on then? None.

Has your father never carried on any business? No.

What business was Mr. Clarke? I never heard that he was of any business.

How long did you live at Islington? A little more than a year.

Was that before you went to Kentish Town? Immediately preceding it.

You lived at Kentish Town about three quarters of a year? Exactly.

Do you know Mr. Wardle? Yes.

How long have you known him? Not more than two or three months.

Have you known him two or three months? Yes.

At whose request do you attend here tonight? At the request of Mrs. C.

Did you ever see Mr. Dowler at Mrs. C.'s house at Gloucester-place? Yes.

Did you ever see Mr. Dowler in the same room with h. r. h. the D. of Y. and Mrs. C.? Never.

Were you ever told by Mrs. C., that she had represented Mr. Dowler to the D. of Y. as Mrs. C.'s brother? Never.

Do you believe that your father's affairs are in a state of embarrassment? Yes.

Do you know Mr. Williams, a Clergyman, of Kentish Town? I never heard his name.

Have you always kept a boarding-school at your different residences? At Kentish Town, and at Chelsea.

How many scholars have you now? About twelve.

How long did you reside at Kentish Town? Three-quarters of a year.

Did you remove immediately from Islington to Kentish Town? Yes.

How long did you reside at Islington? More than a twelvemonth.

How much more than a twelvemonth? Seven or 8 months.

The conversation that you have stated you heard to take place between the D. of Y. and Mrs. C., you stated to have passed about the time you removed from Bayswater to Islington; is that correct? Yes, it must have been about that time.

Was it about that time? I cannot say exactly.

Upon recollection, can you recall to your mind any circumstances which will induce you to believe that it was about that time? No.

Then, do you state that without any precise recollection upon the subject? Only by guess.

Do you recollect ever seeing col. French in Gloucester-place? I have heard him announced; but I cannot say that I was introduced to him.

(By Mr. Beresford.)

What is the age of your youngest scholar? Seven.

[The Witness was directed to withdraw.

Mr. DANIEL SUTTON was called in, and examined.

(By Mr. Wardle.)

Do you recollect Mrs. C. being at capt. Thompson's Court Martial, at Colchester? I do.

State to the Committee what passed relative to her being put down a widow.—In consequence of my having been directed to summon Mrs. C. to appear to give evidence before the Court Martial that was sitting on charges preferred against capt. Thompson, I applied to capt. Thompson's solicitor, a Mr. Smithies, and desired he would send to me the christian as well as the sirname and description of Mrs. C.

Mr. Smithies delivered to me the description upon paper; and, as near as I can recollect, her name was Mary Ann Clarke, of Loughton Lodge, in the county of Essex, widow. In consequence of the description so given me, by Mr. Smithies, I entered it upon the Minutes of the Court, and administered the oath which I usually administered to Witnesses, and then having read the charges to Mrs. C., she then answered the questions which were put by lieut. col. Fane, who was the prosecutor; was afterwards examined upon questions submitted by Mr. Smithies, who was concerned for capt. Thompson, and then upon questions that were asked her by different members of the Court. I have a recollection, I think, of Mr. Smithies having communicated to me, she was not examined the first day she was summoned, in consequence of a witness, of the name of Maltby, who had been under examination for a considerable time. I think Mr. Smithies communicated to me some delicacy Mrs. C. had, as to the appearance before the Court, and as to questions that might be put to her; and I told him, that she need not be under any apprehensions, for no improper questions should be put to her; if she answered the interrogatories of the prosecutor and the Court, she need be under no apprehension as to any disagreeable questions, which she seemed to apprehend might be put to her; and she subsequently answered every question that was put; and, upon that particular charge, capt. Thompson was afterwards honourably acquitted.

(By the Attorney General.)

Did she herself state herself to be a widow, or was she asked, or did any conversation pass between yourself and her, upon that subject? I really am not quite sure; I saw Mrs. C. once or twice previous to her examination that day, in order to communicate to her that she must stop, and Mr. Smithies requested me to step to the Cups, where he was, to let him have the proceedings, to prepare capt. Thompson's defence; I rather think it was Mr. Smithies, for I perfectly remember, which is usual where the assistant adjutant general of the district does not deliver me the list of the witnesses, but where they come from the solicitor of the party, that he will deliver to me the name and description, and I rather think it was in consequence of what he said to me.

You do not recollect asking her the question whether she was a widow or not? Upon my word I do not recollect whether I did.

You do not recollect any conversation that passed relative to her situation; her wishing to avoid publicity? I do not recollect the particulars, but I do recollect, either before or after the time Mr. Smithies asked me to step down to the Inn, with the papers, that she said she was in a very delicate situation, and alluded to her situation; I do not recollect that she mentioned the particular person under whose protection she was, but she alluded to it, and I understood from general report what she meant.

Was she particularly described as a widow, or did she answer to the interrogatory whether she was or was not a widow? She answered to no interrogatory upon that subject, it is not the practice for witnesses at courts martial to answer to such interrogatories, unless they are specifically put; the name and description is put down, and then the charges read; then the oath is administered, and then the question put.

(By Mr. Beresford.)

Do you recollect any evidence that came forward at that court martial, relative to a bill of exchange? Yes, I do, Mrs. C. was examined, and gave evidence upon two bills of exchange.

Relate the circumstances of her testimony, so far as you recollect.—I have the original minutes which I took at that court martial, in my pocket.

Refer to that part of the evidence which refers to the bill of exchange signed Elizabeth Mackenzie Farquhar.—" Mary Ann Clarke, of " Loughton Lodge, in the county of Essex, wi" dow, a witness produced by the prosecutor, " being duly sworn, was examined."

Was that read to her? No, I believe it was not read to her.

[The witness read the following extract from the minutes.—" Look at this bill; is the body " of it and signature your hand writing? The " witness was then shewn the bill of the 1st " May, 1807, and then deposed, Yes, it is; " but it purports to be the hand of my mo" ther; she was present when it was written. " I am frequently in the habit of guiding her " hand when she writes, or takes any thing in " her hand, in consequence of her being very " infirm and very nervous.—Look at this bill; " is the body of it and signature your hand" writing? The witness was then shewn a " bill of the 15th of July, 1807. It is.—Look " at both the bills, and state to the court, " whether the acceptance of both is the hand" writing of Mr. Russell Manners. Yes, in " the presence of myself and my mother.—Did " you, or your mother, give these drafts to " capt. Thompson? My mother the first, " and myself, I believe, the last.—Was capt. " Thompson aware that you signed the name " of Elizabeth Mackenzie Farquhar to these " drafts, when they were given to him? Ne" ver.—Did he not know your hand writing " from your mother's? I do not think he " does, when I direct her hand.—Was Mr. " Russell Manners indebted to you in a suf" ficient sum, to authorize you to draw upon " him for the sum of a hundred pounds? He " was.—State to the court the reason why " you did not indorse the bill dated the 20th " of May, 1807. I had no reason; I was " not aware of the circumstance that I had " not indorsed it; it never was returned to " me to be indorsed.—Do you recollect the " date of the bill dated the 15th of July, 1807, " being altered? No, I do not.—When these " bills were given to capt. Thompson, had " you any doubt but that Mr. Russell Man-

"ners would pay them when they respectively should become due? Not the least.—Had you ever before these bills were drawn, drawn bills upon Mr. Russell Manners; and if you had, were such bills paid when due? I never did; I have more bills of Mr. Manners's, but I have never made use of them, finding that those bills were not duly honoured.—Had you any good reason to believe that Messrs. Maltby would pay the bills when they became due; and if you had, state to the court what were the reasons on which your belief was founded? I certainly thought that Mr. Rowland Maltby would pay them, because I knew that he had at different times paid some thousands for Mr. Manners; besides which, Mr. Maltby knew I had assisted Mr. Manners with money, and therefore I thought he would take care of those bills before others.—Had you any personal communication with Mr. Rowland Maltby respecting the bills in question, previous to the last week? Never.—Have you had any personal communication with him respecting them within the last week, and if you have, state to the court the substance of it. On Thursday last I went, accompanid by my mother, to Mr. Rowland Maltby's, and he told me that he was coming."

Does it appear upon the minutes of that court martial, from the testimony of Mrs. C. that she put the pen into her mother's hand, and with that wrote her name upon a bill of exchange? That is in the answer to the first question that was put to Mrs. C.

(By the Attorney General.)

During the proceedings of that court martial, were any private questions put in your presence to Mrs. C. out of court, respecting her being a widow, which were afterwards entered upon the minutes? I do not recollect any; I had conversation, as I mentioned before, with Mr. Smithies, and, I believe, with Mrs. C. I am not exactly sure, but I cannot recollect the whole of that conversation; it was relative to her delicacy with respect to her being examined, and her fear that unpleasant questions might be put to her generally; I have no recollection of any as to her being a widow; I desired Mr. Smithies, understanding that capt. Thompson was brother to Mrs. C. that he would give me her description, and he gave it upon paper.

[The Witness was directed to withdraw.]

Mr. THOMAS PARKER was called in, and examined as follows:

(By Mr. Wardle).

Refer to your book as to the date of any payment that was made by Mrs. C. in the year 1804; 500*l.* on account of a service of plate.—I know nothing of the subject at all; I was only left executor to Mr. Birkett; I have a book here, in which there is some account, which I looked at to-day, which I did not know of before.

[The witness produced the book, in which appeared the following Account:]

261 Mrs. CLARKE, Dr.

May 16, 1804.		£.	s.	d.
The whole of the above-mentioned Articles for - - - - - - - -		1,363	14	10
An elegant rich chased Silver Epergne, with four Branches, and rich cut Glasses to Do. - - -	153. 16. 100	159	13	0
Very large Oval Silver Tea Tray - - - - - -	183. 8.	84	0	0
An elegant Oval Silver Tea Pot, sq. Ivory Handle -	22 oz.	16	16	0
12 Gadroond Silver Soup Plates, to correspond with the others - - -	242. 1. 93. 14.	105	0	0
June 15.				
2 large Silver Gadroond Waiters - - - - - -	129.9 a'9/ 49. 11.	58	3	0
Putting on Silver Plates for Arms, and polishing the above - - -		16	5	6
Engraving Arms and Crest on the above - - - - - - - - - -		21	6	0
Silver Tankard - - - - - - - -		15	15	0
Pair Sugar Tongs - - - - - - -		0	18	0
		£.1,821	11	4

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1804. May 18.	£.	s.	d.
By Cash on Acoount - - - - - -	500	0	0
July 12.			
By a Bill at 2 Months - - - -	200	0	0
Nov. 14.			
By a Do - 4 Months - - - -	200	0	0
By a Bill at 6 Months - - - -	200	0	0
Do - - Do 8 Months - - - -	200	0	0
Do - - Do 10 Months - - - -	200	0	0
By a Bill at 12 Months - - - -	200	0	0
By Cash, a Draft on Coutts and Co. 23 July - - - - - - - - -	121	0	0
Abated - - - - - - - - -	0	11	4
	£.1,821	11	4

Do you know any thing more of that book: or do you know as to any of the payments, by whom they were made; or what those bills were, or upon whom drawn? I do not know any thing more of it; there is another little account in this book; here is nothing here which states at all what bills they were. I did not know any thing of it till to-day; I was not sure whether the summons was intended for me or not, for my name was not inserted, nor where Mr. Birkett lived; it was inserted Princes-street, Hanover-square; I never knew him live there. I came down, it being left at my house.

Do you know who the late Mr. Birkett's bankers were? Yes, Marsh and Company in Berners-street.

Have you any other memorandum in that book? Here is some other account of goods, watches, and some other silver goods, and various other articles, which amounts to 286*l.* 9*s.* besides the other account.

[The witness was directed to withdraw.]

HARVEY CHRISTIAN COMBE, esq. a member of the house, attending in his place, was examined.

(By the Chancellor of the Exchequer.)

Will you mention the circumstance of your seeing Mr. Dowler shortly after he had received his commission in the commissariat? I was riding through the street, and I met Mr. Dowler by accident, I had heard before with great pleasure that he had got an appointment in the commissariat; I was not unacquainted with the reverses of fortune he had sustained at the Stock Exchange, and I was rejoiced to hear that he had an employment that would yield him a comfortable maintenance; I stopt him to give him my congratulations, and having heard that he had got this by the request of Mrs. C. I asked him whether he had obtained it by the interest of Mrs. C. or Mr. Brook Watson; his reply to me was "O, by Mr. Watson's."

From your knowledge of Mr. Dowler, do you believe him to be a man of integrity? Perfectly so, I would have recommended him to any situation he was a candidate for.

From whom had you heard that he obtained the appointment from Mrs. C.? I know a great many persons who are equally acquainted with the Dowlers: from various persons I heard it, but I cannot recollect one individual.

Did you know of your own knowledge that there has been any connection between Mr. Dowler and Mrs. C.? I did not.

Cannot you recollect one person among many individuals from whom you heard it? It is a great many years ago, if I were compelled to say who I should select, my own son.

(By Lord Folkestone).

Do you not from your own knowledge know that Mr. Dowler's father adopted a line of politics in the city directly opposite to that of sir Brook Watson? I know that Mr. Dowler's father in the City of London adopted the Whig principles, but whether he was a member of the Whig Club I do not know, nor do I now know exactly what Mr. Brook Watson's political principles were.

Mr. JEREMIAH DONOVAN was called in, and examined.

(By the Chancellor of the Exchequer.)

Do you know Mrs. Clarke? I do.

Do you recollect at any time furnishing her with a List of names of persons for whom she was to obtain from the D. of Y. military or other promotion? Never.

(By Mr. Cavendish Bradshaw.)

Have you not been in the habit of trafficking in places under government? I never have trafficked for any places under government in my life.

In no situations for India? From government.

Appointments from government? Never.

Or from the East India Company, appointments that must come under the cognizance of the board of controul? I will be obliged to the gentleman if he will inform me what appointments those are.

Have you ever offered a situation in India for a sum of money to a Mr. O'Hara? I have.

What was the nature of that situation? A writership.

What was Mr. O'Hara to have given you for that situation? 3,000 some odd pounds, but I cannot say exactly.

When was this? I believe the last year, but I do not exactly recollect.

How did that negotiation break off? It broke off in consequence of Mr. O'Hara's brother not depositing the money at the banker's which was nominated by the gentleman who had the disposal of the appointment, or who informed me that he had the disposal of the appointment.

Did not Mr. O'Hara offer to deposit the money in his own banker's hands, and did you not object to that, and wish it to be deposited in your banker's hands, in Henrietta-street, Covent-Garden? The money, Mr. O'Hara informed me, was deposited in a banker's hands in the city, I believe it was Curtis and Robarts; the person who had the disposal of the appointment would not consent to its remaining there, but wished it should be deposited at Messrs. Austen and Maunde's in Covent-Garden, and in consequence of that the negotiation ceased. I did it at the request of a lady from Dublin, who sent a letter to me, saying that she wished I could obtain for a Mr. O'Hara, whose father was her particular friend, a writership to India; I applied to a gentleman, and he told me he could obtain that appointment, and the negotiation broke off in consequence of their not depositing the money at the house of Austen and Maunde.

(By Mr. Smith.)

What person authorized you to negociate this appointment in the East India company's service?— [The witness was directed to withdraw.

[The witness was again called in and the question proposed.]

Am I obliged to expose the name of the lady; if I am, I certainly shall.

Was the lady the purchaser, or was it through the lady you were to obtain the appointment of some director? The lady wrote to me, requesting I would make inquiry, in order to procure the writership for this gentleman: in consequence of this I did make the inquiry, but do not know any director's name concerned in the business.

Of whom did you expect to receive this patronage? I was recommended by Messrs. Austen and Maunde, to a gentleman who promised to procure the patronage.

Name the gentleman.—Mr. Tahourdin, an attorney of Argyll-street.

Do you know from Mr. Tahourdin's connections, from whom he was to obtain it at the India House? I do not.

Cannot you guess or surmise?—I cannot.

Upon what grounds did you desire the 3,000 and odd pounds to be lodged? It was to have been lodged to be paid to Mr. Tahourdin, on the young gentleman passing as a writer to India.

Did Mr. Tahourdin ever give you reason to believe that he had the promise of that nomination? If he had not, I certainly should not have requested the young gentleman to have lodged the money at the banker's.

(By Mr. Sheridan.)

Did you introduce a clergyman of the name of O'Meara to Mrs. C.? I have not the pleasure to know a clergyman of that name.

Did you ever apply to Mrs. C. for the promotion of any person in the Church? In the month of Nov. or Dec. last, Mrs. C. informed me that she had very great influence; I heard of a vacancy in the Church, and I did apply for it for a friend of mine.

What was that vacancy? A Deanery.

What Deanery? I believe Salisbury.

Did you apply only for that Deanery, or any other Deanery? For either the Deanery of Salisbury or Hereford.

This was either in Nov. or Dec. last? It was.

Being so intimate with Mrs. C., of course you were apprized that at that time all connection had ceased between Mrs. C. and h. r. h. the D. of York? I understood that h. r. h. and Mrs. C. had had no connection for 3 years previous to that; it was not through the D. of Y.'s interest it was understood it could be obtained.

Through whose interest was it understood that this was to be obtained, through the influence of Mrs. C? Mrs. C. informed me that she had very good interest with the Duke of Portland, and that she could obtain any appointment.

Can you inform the Committee what was to be the recompence, supposing the Deanery had been obtained? I cannot: I believe that it was 3,000*l.* that was offered for one of them by a subscription: I did it to oblige a friend: there was a subscription to have been entered into by some ladies, they did subscribe upwards of 3,000*l.*; as I was instructed, it was for the Revd. Mr. Bazely, I think that was the name of the gentleman; he was to have been agreeably surprised with a promotion, provided it had been carried into effect, but he was on no account to know it. Mrs. C. answered, that the Duke of Portland had no interest in the Church, the Queen having taken the patronage to herself.

Have you had any correspondence with Mrs. C. since the commencement of the present examination? I have received one Letter from Mrs. C. since the commencement of this examination, or on the day, it was on Wednesday week I think; I have received two letters from Mrs. C. since the motion of Mr. Wardle, the one on the Saturday subsequent to the Friday night on which the motion was made, the other on the Wednesday on which day I believe the hon. house went into the examination.

Did you at any time give any credit to the idea of Mrs. C. having any degree of influence with the Duke of Portland? I certainly did give credit to it in the first instance.

Did you believe that Mrs. C. had such influence with the Duke of Portland as she had exercised with the D. of Y. on other applications? She never did make any application to the D. of Y. for me in her life.

Were not you privy to the whole transaction of col. French? Nor never heard any thing of it, till the levy was about to be raised, till col. French called upon me to inform me that he was raising recruits for that levy, and asked me whether I could recommend him any old Serjeants that he could employ upon that duty.

Did Mrs. C. give any reason to you for the assertion she had made respecting her belief, as to any person's power of disposing of the patronage of the Church? Mrs. C. informed me that the D. of Portland had not the patronage of the Church, but there were other appointments that she had mentioned to me, that caused me to suppose that the D. of Portland had the appointments in the Church to dispose of.

Have you received two or three letters from Mrs. C. within this last month? I have received letters from Mrs. C., many during the months of Nov., Dec., and January.

Have you the letters which you state yourself to have received from Mrs. C., since Mr. Wardle's notice on the present investigation? I have two letters, and the reason I brought them was in hopes that Mr. Wardle would do me the honour to read the letters of mine, which it was mentioned he had in his possession from Mrs. C. I am perfectly willing to meet every charge that can criminate myself, but I should be sorry to involve any person that is innocent. I believe Mr. Wardle made his motion on the 27th of January.

[The witness delivered in two letters, which were read, dated the 28th of Jan., and the 1st of Feb. 1809.]

"Dear sir; I am much mortified in seeing, in "this day's paper, the free use of your "name and mine in the debate last night. I "however took an opportunity of seeing Mr. "Wardle on the subject, and I find he is "by no means so ill disposed as his speech "seemed to evince; but he tells me, that "as I have committed myself, and my "papers, he is determined to make every "possible use of them, that to him seems "proper. I must be candid, and tell you, "that in order to facilitate some negocia"tions, I had given him a few of your let"ters. In one you speak of the Queen, "in another the two Deaneries. As to "myself, I must of course speak the truth, "as I shall be put on oath. Let me per"suade you, if called on, to keep to the "truth, as I am convinced you will; but "I mean the *whole truth*, as to what has "passed formerly between yourself and me. "I have a thousand thanks for your being so "quiet upon the 130.; you shall have it the "moment my mother comes from Bath. I "fear, if you are backward, Wardle will "expose the whole of the letters he has to "the House. Your's truly,

"Saturday evening." "M. A. Clarke."

"In order to relieve your mind, I send "my servant, though late."

Indorsed:

"Recd. 28th Jan. 1809, late at night."

"Wednesday morning, Feb. 1st 1809."

"Dear Sir, I yesterday saw Mr. Wardle; he "had a letter yesterday from your friend "Glass, begging him not to take any busi"ness in hand, where his name is mention"ed; and he asks for you also. He was "Tutor to Wardle. Now Mr. Wardle as"sures me, by every thing honourable, that "if you speak candidly and fairly to the "fact of Tonyns, he will ask nothing more; "and if he has been at all intemperate "with your name, he will do it every justice. "*Take my advice and do it*: it cannot injure "you. I understand your friend *Tuck*, some "months ago put a friend of his in pos"session of Tonyn's business; and yesterday "a man of the name of Finnerty gave him "a case, which, he says, he had from you, "of a capt. Trotter and another. Of course "you will not mention my telling you "this. I wish from my soul Mr. Wardle "had taken it up less dispassionately, he "might have done more good. Why do "you not send me a line? I dare say Cla"vering is hugging himself, as he did not "send the recommendation. Yours, &c.

"M. A. C."

(By Mr. Sturges Bourne).

What rank have you in the army? Lieutenant.

How long have you been in the army? I went into the army in 1778.

In what regiment have you been? In the Queen's Rangers.

Are you now in the Queen's Rangers? I entered into the army in 1778 in the Queen's Rangers: in consequence of my services in the Queen's Rangers I was recommended into the regiment called the North Carolina volunteers, then under col. Hamilton; the hon. major Cochrane, then major to the British legion commanded by lieut. col. Tarleton now gen. Tarleton, induced me to resign my company in the North Carolina regiment and to accept a lieutenancy in the British legion under the command of lieut. col. Tarleton, which I imprudently did under the promise of the first troop or company that should become vacant in that regiment. I served in that regiment during the remainder of the war, from 1780 till the reduction of the regiment in Oct. 1783; I brought home a detachment of that regiment, and was placed upon halfpay; in consequence of my wound being very bad it was impossible for me to accept a commission upon full pay, many of which had been offered to me by colonels of different regiments in consequence of those wounds I have suffered; I am sorry to say that my surgeon, who did attend, is gone, or he could explain my present sufferings, but I have suffered more than is conceivable for any person who looks well in health as I do, being lusty I have not been able to take off my clothes or lie down for the last five years; about six years from this period I was confined 16 weeks under the care of Mr. Everard Home, Mr. M'Gregor of the Military Asylum, and Mr. Rivers of Spring Gardens, Mr. Astley Cooper also attended me, and I am now obliged to employ a surgeon, that is Mr. Carpue, either he or his assistant dresses my wound daily: in consequence of the recommendations of the hon. the late marquis Cornwallis and lord Moira I was placed in a veteran battalion as a compensation in some degree for my expences as well as my sufferings from this wound, and through the same interest I obtained leave of absence till further orders; there are many other officers under similar circumstances in the army, it being the only means by which h. r. h. the Commander in Chief can remunerate their services, at least that was the answer given by the adjutant general to lieut. col. Christie of the 11th veteran battalion (on the strength of which I at present draw my pay) when he applied last year to have me removed upon the retired list: with respect to my provincial services, I presume they go for nothing; I served 15 months in a fencible regiment at home as lieutenant and surgeon; I served 3 years in the militia as lieutenant and surgeon, and I served 3 years as a surgeon in an armed vessel appointed by the Treasury, and I trust it will not be thought too much that I draw the pay of a lieutenant.

(By Mr. Wardle).

You have stated that you never sent in any names to Mrs. C., either for promotion or for commissions in the army? Not till Nov. or Dec. last did I ever apply to Mrs. C. for any commissions in the army, either directly or indirectly.

Do you recollect what commissions you applied for then to Mrs. C.? I do not; there were some companies, but for whom I do not recollect.

Do you recollect what you asked Mrs. C. to do respecting those companies? I perfectly recollect that Mrs. C. informed me that she had interest with a great many gentlemen, honourable members of this house; that she had also great connections amongst General Officers, and that she could procure letters of recommendation which might accelerate any applications that were lying before the D. of Y. for purchases of commissions.

Did you send any letters of recommendation from the commanding officers of regiments in favour of officers for promotions to Mrs. C.? I sent three letters, I think, from three different field officers, recommending gentlemen for purchase from lieutenancies to companies. Those gentlemen had been recommended, if I mistake not, about 12 months, but their recommendations had not been attended to, to accelerate which it was thought advisable to procure the recommendations I have already stated, and Mrs. C. informing me she could do it, I placed these recommendations in her hands for that purpose.

Inform the committee how you got possession of those letters yourself.—I will; I got possession of those letters from Mr. Froome, under the following circumstances: Mr. Froome called upon me, and informed me that he was about to resume his station or to be appointed a clerk in the house of Mr. Greenwood, upon condition that he should make oath or give security, one or the other, that he would never do any thing in the commission line as a broker in future; that if I could do any thing with those three appointments which had hung so long, I should serve very deserving young men, and should be remunerated for my trouble: that is the fact, however it may criminate me.

State what the remuneration was to have been upon each of those commissions? It was above 300*l.*; but how much I cannot say.

Do you mean to state that above 300*l.* were to have been paid above the Regulation Price for carrying the point? Certainly, on each commission.

Do you know of your own knowledge, through what means that 300*l.* upon each was procured? I do not.

Only you mean to state that the officer purchasing was to have paid 300*l.* above the regulation? I mean to state that both of those officers purchasing, on being gazetted, was to make the compliment of 300*l.*

And it was Mr. Froome who put the three commissions into your hands? Yes, he did, under the circumstances I have already related.

Had you ever any conversation with anybody but Mr. Froome respecting these commissions? I had conversations of course with Mrs. C.; I had conversations with Mr. Glasse.

Who is Mr. Glasse? The rev. George Henry Glasse.

Had you never a conversation with any other person respecting those appointments? I do not recollect that I had any conversation with any person, save and except Mr. Glasse, Mrs. C., and Mr. Froome; I do not recollect any other person.

Do you recollect any other transactions of that nature coming under your knowledge? There was a majority I think, or two, under similar circumstances.

Do you recollect what sum above the regulation was to have been paid on the majority? I do not.

Do you recollect any other commissions that fell under the same circumstances? I do not recollect any other commission but the two majorities, and those three companies.

Did those majorities come from Mr. Froome also? They did.

Did not Mr. Froome at that time tell you what remuneration was to be given? It is very possible that he might, but I do not recollect the remuneration.

Do you know what your share of the profit was to be? I do not.

What part of the transaction were you to act? He was to procure the letters from Mrs. C.; to attach them to those recommendations and memorials, and to put them into the box at the Horse-Guards, and to let them take their chance; and if they succeeded, then we were to be remunerated.

Therefore, the part Mrs. C. was to have acted, was either to have got the recommendation backed by a member of parliament, or some other person likely to give strength to such recommendation? That was the part.

What was she to have had for that part? She was to have had, I believe, upon each of the majorities 500*l.* as nearly as I can recollect.

What was she to have had for the companies? I forget exactly; but it was either 100, or more than 100.

Do you know captain Tuck? I do.

Do you recollect in the year 1804 or 1805, offering capt. Tuck a majority at a very low price? I remember that in 1804 or 1805, Messrs. Austen and Maunde told me, that they expected to be appointed agents to a regiment that was to be raised by a col. Dillon; that commissions were to be obtained in that regiment, or some other, and that there were many other levies to be raised; and that the prices in that regiment were to be for an ensigncy so much; for a lieutenancy so much; a company so much; and I believe that was the whole of the steps. The colonel had the appointments; where they were either to raise so many men for their commissions, or pay a certain sum of money to the colonel. I met capt. Tuck either in Parliament-street or Whitehall; he had been employed by the hon. col. Hanger to raise a levy, and by that had obtained the rank of captain, and was then upon half-pay. I told him, if he wished to get the step of majority, I thought if he would raise the men, or pay a sum of money, he might get a majority. I never thought any more of it till I met capt. Tuck in the room this evening.

Do you not recollect naming any other person as a party in this transaction, respecting the commissions that were sent in to Mrs. C.? I do not recollect, but there may be some other persons; I do not conceive any other persons could have been mentioned.

Will you name any other person that you can recollect? I do not recollect any other persons, or I would name them.

Did you mention the name of Mr. Greenwood? I never mentioned the name of Mr. Greenwood in the transaction at all, further than Mr. Froome was obliged either to make an affidavit, or give security to Mr. Greenwood, that he would not act as a broker in future, or he would lose his situation.

Who is Dr. Glasse, or Mr. Glasse, whom you have mentioned in the course of your examination, and who is mentioned in one of the letters? The Rev. George Henry Glasse, of Hanwell.

How long have you known Mr. Glasse? I have known him for some years, but cannot exactly say how long.

Has Mr. Glasse ever made any application to you relative to church or other preferment? Never in my life.

Or you to him? I have not; I, of my own accord, very imprudently promised to Mrs. C. that if she could procure the deanery of Hereford for Mr. Glasse, I should be extremely happy that she should do so; but I never told Mr. Glasse of it till I think last Saturday was se'ennight, or Monday was se'ennight, and then Mr. Glasse was exceedingly enraged that I should have taken the liberty with his name.

What induced you to make that application? The very great friendship I had for Mr. Glasse, and not conceiving that I was doing that which was improper at the time, or I would not have done it.

Did you offer 1,000*l.*? I did.

And did it without Mr. Glasse's knowledge? Yes, without his knowledge, upon my sacred honour, and he never knew of it until the other day.

You have stated that you would not have made this offer if you had been aware that the transaction had been improper; did you conceive the other transactions, which you have stated to the committee you had a hand in, to be proper transactions? I knew that these transactions pass daily, and therefore, I thought that there was nothing so very heinous in the crime; but I certainly did not conceive it altogether proper.

How did you know such transactions pass daily? I had heard that such transactions passed.

Do you know, of your own knowledge, that such transactions pass daily? I never was concerned in any transaction of that kind, save and except the business of capt. Tonyn, which I should be happy to explain; I believe I had also the introduction of major Shaw.

Do you recall to your mind the recollection of any other transactions of this kind? I do not.

You stated at the commencement of your examination, that you were not a trafficker in places under government; do you abide by that statement now? If you will permit me to explain the business of capt. Tonyn, I shall be obliged; but further than those I have mentioned, I have never trafficked in any places under government; if I had I would not deny it.

Have any of those other negotiations you have mentioned to the committee, been carried into effect? Not one through me.

Do you know whether those negotiations about the companies and the majorities were carried into effect or not? Not one of them.

Were you to receive any remuneration, supposing the negotiation had been effected? Certainly.

Do you not call that trafficking in places under government? I will leave it for you, gentlemen, to decide; I did not consider it so.

Are those the only transactions of the kind, in which you ever in your life have been concerned? I believe they are.

Be sure whether they are or not? I cannot be sure, because I do not recollect any other; if I did, or you will do me the favour to point out any others, I will not deny them.

(*By Lord Folkestone.*)

How long have you known Mrs. Clarke? I knew Mrs. Clarke, I believe, in the year 1805.

Have you kept up your acquaintance with Mrs. C. from that time to the present day? I had not seen Mrs. C. till Nov. last, for nearly three years; more than two years however.

You had not seen Mrs. C. till Nov. last, since her separation from the D. of Y.? Yes.

Were you in the habit of seeing her when she was connected with the D. of Y.? I saw her, I believe, two or three times, and that only when she was connected with the D. of Y. or at least when she lived in Gloucester-place.

Did you see her only two or three times in the course of your lifetime, before the month of November last? I presume in the course of my lifetime, that I may have seen her half a dozen times before Nov. last, for she lived in Burlington-street, at a Mr. Russel Manners's, and I saw her there twice.

At what period was that? That I suppose must have been in 1806, or the latter end of 1805; it was after she was separated from the D. of Y. or left Gloucester-place.

How did your acquaintance with Mrs. C. begin? My acquaintance with Mrs. C. commenced in consequence of a report which had been circulated that I was the author of some scurrilous paragraphs reflecting on h. r. h. the D. of Y.; I traced it to capt. Sutton, an acquaintance of Mrs. C.'s; I endeavoured to trace them out, but in vain. I requested that I might be introduced to Mrs. C. to vindicate myself; I never had written a paragraph against any one of the royal family in my life, and that was what introduced me to Mrs. C.'s acquaintance.

You have stated that while Mrs. C. resided in Gloucester-place, you saw her three or four times; did you call upon her in Gloucester-place? I called upon her three or four times, it was at the house I saw her.

Did you go of your own accord? I went of my own accord, having obtained permission to see her; I was three or four months before I could obtain permission to see her; so strong was the impression against me as being the author of those paragraphs, that Mrs. C. would not see me, nor hear my name.

How often did you see Mrs. C. when you called at Gloucester-place? I believe three different times.

When you saw Mrs. C. did you go of your own accord, or did she desire you to come? She never desired me to come that I know of, further than one particular period, which was in order to inquire the description of capt. Tonyn.

When you went of your own accord, with what view did you go? In order to do away the report that I had been the author of these paragraphs against h. r. h. the D. of Y.

All the times that you went, you went with that view? Twice only, I believe; I never was at Mrs. C.'s above three times in my life in Gloucester-place.

You have stated that you called there frequently before you could see Mrs. C. and that you then called three different times, and saw Mrs. C.? I did not mention that I had called often at Mrs. C.'s, and have not seen her.

Did you do away the impressions entertained against you at your first interview with Mrs. C.? Not altogether.

How many interviews were necessary to do away entirely those impressions? Two.

Did you entirely do away those impressions in two interviews? I believe I did.

With what view did you call upon Mrs. C. the third time you saw her? In order to procure the insertion of some letters in the Morning Post.

What was the subject of those letters? The subject of those letters was answers to the letters of Belisarius.

Why was it necessary for you to go to Mrs. C. to procure the insertion of those letters? Because Mrs. C. had asked it as a favour of me.

To do what? To get those letters inserted in the Morning Post.

Do you mean to say that you carried those letters to Mrs. C. because Mrs. C. had desired you to insert them in the Morning Post? I did not carry them to Mrs. C. I received them from Mrs. C.

Then the third time you went to Gloucester-place, you went to get those letters? I did.

Did you go then of your own accord, or by the desire of Mrs. C.? At the desire of Mrs. C., I believe so; it is really so long since, that I cannot say whether I volunteered my services to go that day for those letters, or whether she had appointed that day for me to call for those letters; I did call for those letters, and got them inserted in the Morning Post.

You have stated, that though you did not traffic in commissions, you have had a hand in procuring commissions at different times; had you any dealings of that sort with Mrs. C, or others, at the time Mrs. C. lived under the protection of the D. of Y.? I never had any transaction with Mrs. C. as to any commission, either direct or indirect, till this in Nov. of three companies and two majorities.

In Nov. last, did you know that Mrs. C. was no longer connected with the Commander in Chief? Mrs. C. informed me that she had been long at variance with the Commander in Chief, and never should be connected with him again.

How came you, having that knowledge, to apply to Mrs. C. for her interest for promotions? Not with any view to her interest with h. r. h. but Mrs. C. had told me that she had great interest with members of parliament and general officers, that she could procure recommendations of the different colonels of the regiments to which those gentlemen belonged.

Were the transactions of which you have spoken, the only transactions of the kind in which you have ever been concerned? I have answered that question repeatedly.

Have you ever carried on any negociations respecting writerships to India, besides that which has been already mentioned? I have.

How many? One.

In behalf of whom? I cannot charge my memory who the young gentleman was.

At what time? Last year.

The year 1808? I believe it was; and it was the writership that Mr. O'Hara refused; that same writership.

Did you succeed in that negociation? I did.

What money was paid in consequence of that? I do not recollect; but I believe it was 3,500*l.*

What did you receive in consequence of your exertions in that negociation? 250*l.*

From whom did you receive that money? From Mr. Tahourdin.

To whom was the other sum of 3,000 and odd pounds paid? To Mr. Tahourdin, I presume; but I was not present at the receipt of the money.

Do you now recollect on behalf of whom that negociation was carried into effect? No, I do not; but I could trace it, no doubt.

With whom did you treat for it? I do not know the name of the gentleman with whom I treated for it; I did not expect to be called upon, and did not charge my memory. The gentleman was a stranger at the time.

Have you, or not, been concerned in any other transactions of this kind? I do not recollect any other.

Are you certain that you have not been concerned in any transactions of this kind? I am not certain; but I do not recollect any other. I do not believe I have.

Are you certain that you have not been concerned in any transactions of this kind? I could almost say I am; but I will not.

Have you ever had any part in negociating a cadetship? I do not recollect any cadetship that I ever have.

If you are not in the habit of concerning yourself in matters of this sort, it is very extraordinary that you should not recollect; try to recollect whether you have had any concern in negociating for cadetships? I do not recollect; I may have applied, but I do not recollect passing any cadet.

Do you make a habit of dealing in things of this nature? I have made no further habit of it than that which I have already stated.

Have you ever had any concern in a negociation for procuring a situation in the Custom-house? Mrs. C. informed me that she had interest through which she could appoint a collector of the customs, and several others. I mentioned it to a gentleman, not with a view to bring it to my own interest at all.

When was this? In November or December. Mr. Wardle can inform you.

(By Mr. Smith.)

You have stated that you concluded a negociation through Mr. Tahourdin for a writership to India; endeavour to recollect the name of the young gentleman that was appointed? I cannot, for I do not know that I ever knew him.

Cannot you, when you return to your office, find out the name and bring it to this committee? I have no office.

Cannot you when you return home to your own house, look into your books and find the name of the young man? I cannot, for I keep no books; I am not confident that I ever knew the name of the young gentleman.

Have you no memorandum or slip of paper? I have none by which I can trace it.

Cannot you ascertain by what director the young man was appointed? I cannot, for I never knew.

Do you know that any director, who takes money for an appointment of this nature, breaks his solemn oath which he takes when he enters into the service of the East India company? I presume a director may dispose of his card for a writership, or a cadetcy, and it may be sold, and the directors know nothing, and receive no emolument, confiding to a gentleman that he would not suspect of doing so.

In what year was this? It was I believe last year.

To what presidency was it? I do not know.

You have said that you once made an application to Mrs. C. in favour of Mr. Glasse, without the knowledge or privity of Mr. Glasse; if the application in favour of Mr. Glasse had succeeded, by whom was the money to have been given for it? By me.

Did you mean to pay it yourself out of friendship for Mr. Glasse, without any hope of remuneration from him? I did, by the commissions which were to have been disposed of. I intended Mrs. C. should retain as much out of those commissions as would have paid for that situation, provided it could have been obtained.

You meant to make a present to Mr. Glasse, to the full amount of the remuneration you were to give to Mrs. C. for procuring him some deanery, or whatever the church preferment was? I did.

(By Mr. Whitbread.)

Which of the applications was the first, in point of time, for the preferment in the church, or for the preferment in the army?—The preferment in the army, I believe, took place in Nov.; some other situations and arrangements Mrs. C. had made were previous to that.

Which preceded, in point of time, the application for the captaincies and the majorities, or for Mr. Glasse? I believe that the situations Mrs. C. pointed out in the West Indies, and the situation that she pointed out at home, one was in the commissariat, I believe, which she said she could obtain; and the other was that of landing waiter. Those were the situations she first promised, which she said the Duke of Portland was to have given to her. Out of those commissions it was that she was to have been paid.

Is the committee to understand that those commissions, of which you have now been talking, are fresh commissions, the advantage derived from which was to repay the 1,000*l.* to be paid for the deanery of Mr. Glasse; or is the committee to understand that the advantage proceeding from the captaincy and the majority before-mentioned were to pay it? From the commissariat appointment and the landing waiter; not from the captaincy and majority.

Then this Landing Waiter and Commissariat are new appointments? They are new transactions.

Not before stated to the committee? I forgot to state them to the committee.

At the outset of your examination, you stated, that you never had trafficked, directly or indirectly, for any places under government of any description? I never carried any into effect.

The words "carried into effect" were not put in; you have now enumerated not less than nine situations for which you have carried on negociations; you also stated, that you thought the crime was not so heinous, because you knew the practice to be daily taking place; what practices do you allude to which you knew were daily taken place? The disposal of commissions, I believe, has been generally reported to have taken place; but I know not any which took place which I had any connection or concern with whatever.

Do you know of any transactions so taking place, with which you had or had not concern? I have heard of things, but do not know of any.

You do not know, in any way, of such transactions having taken place? I have heard of such transactions.

Do you know of such transactions? The transaction of capt. Tonyn I beg leave to mention here; I must allude to that and major Shaw: I did not understand how either of those were carried into effect till last November: I never knew that Mrs. C. was concerned in major Shaw's business till last Nov. Captain Tonyn was gazetted in 1804; and Mrs. C., in 1805 I understood was the person who had obtained that promotion for major Tonyn.

Independently of that case of major Tonyn, there is a case of major Shaw's, of which you have heard? I heard last Nov. only.

Do you know of any other besides major Shaw and capt. Tonyn? I do not recollect any other.

Are you sure you do not know of any other? I do not recollect any other.

Do you, or do you not know of any other? I do not know of any other that I recollect; nor do I believe that I recollect any other.

Do you not know of some others? I know of no others, to the best of my knowledge; if I did, I would mention it, but I do not; I believe I know of no other whatever.

You have said positively you know of no other? I believe not.

You have said once positively you knew of no other; do you say positively whether you knew of no other? Do you mean to say I have been concerned with others.

Have you been concerned in any other? Not at all.

Do you not know of any other? I do not, to the best of my knowledge; it is impossible for me to charge my memory; I have told you every thing to the best of my knowledge and belief.

(*By Mr. Croker.*)

When you were asked concerning certain custom-house appointments, you said that col. Wardle, an hon. member of this house, could tell about them; what can you say of col. Wardle's knowledge of those appointments? I must refer to Mrs. C. for that.

What has Mrs. C. told you relative to that? That she could procure recommendations from great people, and she mentioned the name of Mr. Wardle also, not as the person that would recommend, but as the person who knew others that she should make acquainted with the circumstance.

What other persons, besides col. Wardle, did she mention as knowing of these matters? Not as knowing, for she told me, she should tell col. Wardle.

You said col. Wardle amongst others, who were the others? She mentioned, that she should acquaint col. Wardle, or mentioned his name upon the business.

(*By Mr. R. Dundas.*)

Who was the person with whom you negociated in the last transaction to which you have alluded, with respect to the writership? Mr. Tahourdin.

You stated that it was through him the money was paid, was he the only person with whom you negociated? He was the person who procured the appointment, but from whom I cannot say.

Was he the only person with whom you negociated, or had any concern or dealing in this transaction? The gentleman who obtained the introduction for his young friend, of course I negociated with also, as I introduced them together; Mr. Tahourdin and that gentleman, I really cannot tell the gentleman's name, for I do not recollect it; but I dare say Mr. Tahourdin would furnish me with his name.

State to the committee whether you first applied to Mr. Tahourdin, or Mr. Tahourdin to you? I did not apply to Mr. Tahourdin; he was recommended to me in consequence of a letter I had from a lady in Dublin, to procure a writership for Mr. O'Hara.

Who recommended Mr. Tahourdin to you? Messrs. Austen and Maunde recommended him to me.

Do you know whether that writership was the subject of any advertisement in the newspapers? Not at all that I know of.

Not being a trafficker in places, but yet having a certain tendency to negociate them, and to take a pecuniary advantage by them, how came you not to apply to Mrs. C. while she had an acquaintance with h. r. h., but to apply after that had ceased; and when her connection with the Duke of Portland and members of this house was a little more distant? I have already explained that business; it was merely the effect of chance; Mrs. C. sent for me, and proposed the business to me; it was not the effect of my application.

At what number in Argyle-street does Mr. Tahourdin live? I do not know, but his name is upon the door.

Did Mr. Tahourdin receive the nomination of the writership immediately from the director, or through the medium of a third person? I never asked Mr. Tahourdin from whom he procured it, or how he procured it.

Is the lady, who applied to you on behalf of Mr. O'Hara, an acquaintance of your's? She is.

You have stated, that you saw nothing of Mrs. C. from the middle of the year 1806, till last November; was that interruption in your intercourse occasioned by any difference that you had together? Not the least.

What was it owing to? Because I had no acquaintance with Mrs. C. further than I have already stated; I never saw her more than four times previous to her separation from h. r. h. the Duke of York.

[The witness was directed to withdraw; the Chairman was directed to report progress, and ask leave to sit again.]

A conversation then took place respecting the farther progress of the proceedings.

The *Chancellor of the Exchequer* observed, that it was impossible to conceive that any thing more important could come before the house than the present investigation. He was of opinion, therefore, that the Committee ought to sit again that day. He hoped, therefore, that gentlemen who had given notices of motions would agree to postpone them.

The Committee was accordingly ordered to be resumed this day.

Mr. *Smith* moved, that the Mr. Tahourdin, mentioned by the last witness, should be summoned to give evidence at the Bar.

The *Chancellor of the Exchequer* observed, that as the Sale of the Writership was not connected with the Charges against the D. of Y., it would not be proper to call Mr. Tahourdin. It might perhaps be done on the ground of discrediting the evidence of the last witness; but as the affair was totally distinct from the investigation at present before the house, the farther introduction of it might produce much inconvenience: he would recommend it to the hon. member rather to move for a Committee up stairs, for the purpose of investigating the appointment in question.

Mr. *R. Dundas* also recommended the appointment of a Committee.

The *Chancellor of the Exchequer* observed, that the house must be convinced, from what had passed, of the necessity of some legislative proceeding, to prevent the scandalous practice carried on in the sale of Commissions, and Places under government. He had refrained from introducing any measure while the present investigation was in progress, but some step, it was evident, ought to be speedily taken to stop the evil. It was his opinion, that the advertising of such places ought to be made a crime; that the money advanced, or agreed to be given, should be forfeited; that heavy penalties should be imposed, and that all persons concerned in such traffic should be rendered guilty of a misdemeanor.

Mr. *Smith,* in consequence of the suggestion of the Chancellor of the Exchequer, withdrew his motion, and gave notice that he would, on the next meeting of the house, move the appointment of a Select Committee.

Mr. Lowten was called to the Bar, to state what he knew of William Williams. He said that he had known him several years ago; that he was sometimes very troublesome, and that he considered him not a fit person to be allowed to go at large, he was deranged in his intellects.

It was then moved, "That William Williams be discharged without paying his fees."—This motion occasioned a short conversation, Mr. W. Wynne and Mr. Dickenson thought that, as the prisoner had been taken into custody on a very serious charge, it would not become the dignity of the house to dismiss him without some further enquiry, though they had no doubt that the statement of Mr. Lowten would prove perfectly correct. Mr. Sheridan, Mr. Adam, and others, were of opinion that the prisoner ought not to be detained, and the question being put, it was carried in the affirmative. The prisoner was accordingly discharged.

Adjourned at half past four o'clock on Friday morning.

HOUSE OF COMMONS.

Friday, February 10.

[East India Patronage.] Mr. *George Smith* rose to move for a Select Committee, to inquire whether any and what Corrupt Practices had obtained in the Sale or Disposal of Cadetships, Writerships, or other Appointments, under the East India Company, or any negotiations respecting the same. He had the satisfaction to state to the house, that he brought forward this motion with the special approbation of the Court of Directors, with whom such a measure had been for some time in contemplation, in consequence of the rumours prevalent that such a traffic for the disposal of such places had been carried on, and which, by no possibility, could have their sanction. What had passed in evidence before a Committee of the house last night, rendered it necessary no longer to defer this motion, in order as well to vindicate the Court of Directors from every idea of countenancing such transactions, as to trace them, if possible, to detection. He concluded by moving: "That a Select Committee be appointed, to enquire into the existence of any corrupt practices in regard to the Appointment and Nomination of Writers or Cadets, in the service of the East India Company, or any agreement, negotiation, or bargain, direct or indirect, for the sale thereof; and to report the same, as it shall appear to them, to the house; together with their observations thereupon."

Mr. *Charles Grant* seconded the motion, and expressed his regret, that he was not present last night, when something was stated upon the subject, by one of the witnesses before the Committee. He assured the house, that nothing could be more satisfactory to the Court of Directors than the institution of the inquiry proposed; for, as public men, they felt it a painful duty to meet imputations, the sources of which they found it impossible to discover notwithstanding their most vigilant exertions. About eight or nine years since, the directors, upon a report of this kind having reached them, instituted an immediate and minute inquiry, to ascertain whether such abuses did exist, as the advertisements every day inserted in the public papers for the purchase of such appointments seemed to imply; as the directors, if they found that any such transaction had the aid or countenance of any of their own body, were determined to make that person a public example; and it was in consequence reported to the Court that the patronage of a member of that body had been bestowed in favour of a clerk in the India house, who had received a cadetship, which appointment the party had sold; but as soon as the fact was discovered, he was dismissed from his employment.

The motion passed in the affirmative; and Mr. Smith being called on to name such members as he thought most eligible, expressed his wish that the house would interfere, and take up the inquiry upon general grounds, and that no person belonging to the Court of Directors, or Board of Controul, should be a member of the Committee. He wished rather that it should be chosen from the house at large; and he therefore named fifteen members unconnected with India affairs, and who were ordered to sit to-morrow.

[Conduct of the Duke of York.] The house, on the motion of Mr. Wardle, resolved itself into a Committee to inquire further into the Conduct of the Duke of York. Mr. Wharton in the Chair.

Mr. *Wardle* thought it necessary, before the Committee proceeded to examine evidence, to offer a few observations, in consequence of something in the evidence of Mr. Donovan last night, stating that a Letter written by Mrs. Clarke to him about a capt. Tucker was framed by Mr. Finnerty. Upon a former day he had stated every thing he knew about Mr. Finnerty; that he never saw him until about the time major Hogan's pamphlet was published, and only once more in the lobby of the house, when he had said something to him about Dr. Thynne. Mr. Finnerty might possibly have mentioned to him Mr. Tucker's name; but he solemnly declared he never received from Mr. Finnerty, any information whatever, about Mr. Tucker. Having, therefore, put the Committee in possession of all he knew about Mr. Finnerty, and of all the information, or rather non-information, he had given him (for, in fact, he had told him nothing), he should feel much gratification if the house would comply with the petition presented by a right hon. gent. last night from Mr. Finnerty, and permit him to be examined at the bar, which would put an end to every insinuation respecting his acquaintance with Mr. Finnerty. His right hon. friend, for so he would call him, (Mr. Sheridan), had thought fit on a former night to make an extraordinary attack upon him, respecting his alledged acquaintance with a set of men who were called Foul Conspirators, and that he had derived his information from persons with whom it was disgraceful to hold any communication. He knew of no set of men of the description mentioned by the right hon. gent. If he knew of such men, he would be the first to give them up. He declared to God he neither knew nor could guess what his right hon. friend alluded to; and wished his right hon. friend had chosen rather to give some explanation who the persons were to whom he alluded, than by an imputation so mysterious to expose his conduct to the comments and misrepresentations of the ministerial prints of the day. If his right hon. friend would be so good as to name any character of such a description as he had stated, and from whom he might have derived unfounded information upon this subject, he would declare all he knew, and do all he could to bring such persons to justice. The next point to which he felt it necessary to call the attention of the Committee was, the evidence given last night by Miss Taylor. It was a duty he owed to that lady to state what he was now about to submit. He understood that that lady had two brothers in the army, and one in the navy; and when he had told her of his intention to have her examined at the bar of the house, she expressed great unwillingness to come forward; but when he urged the necessity for her examination, her answer was, that if she was forced to come forward to speak the truth, she must do it at the risk of ruin to her nearest and dearest relations.

Mr. *Sheridan* coincided with his hon. friend, in the wish that Mr. Finnerty might be examined, and said, that so far from having intended to make any attack upon his hon. friend, as he was pleased to term it, on a former night, he merely cautioned him as to the sources of his information, and had sent to him a message upon the subject by a mutual friend.

Mr. *Wardle* said, he never had received that message, and observed that his right hon. friend, on the former night, had pretty strongly insinuated that his information was derived from persons of the description of conspirators, with whom it was disgraceful to hold any communication, but without naming the persons to whom he alluded.

Mr. *Sheridan* said, he had used no such phrase as conspirators or conspiracy; and it was hardly to be expected he should be so indiscreet as to name persons who were yet to give their testimony before the house, and thus to excite prejudice against them. He had no objection, however, to allude now to one of those persons named Donovan, who had yesterday given his evidence at the bar, and whose gross prevarication evinced the kind of reliance that could be placed on any information derived from him. There were also two others whom he had no objection now to name; for instance, M'Callum and Cockayne, who, he did not scruple to say, were persons to whose information no credit was to be attached; and he had cautioned his hon. friend against placing much reliance upon such men: but he called the house to witness, whether, instead of making any attack upon his hon. friend, he did not vindicate his conduct and intentions, and deprecate the attempt of any set of men disposed to make a run against an individual member, who had the firmness and independence to rise in his place, and do that which he conceived to be his public duty. For his own part, he was determined his conduct should be guided by neither favour nor affection, nor any regard to rank or station.

Sir *A. Wellesley* bore high testimony to the military conduct of col. Tucker. He had served under both sir David Baird and sir Samuel Auchmuty in South America, with the highest recommendation from both, as an officer highly deserving his majesty's favour; and he felt it his duty to state, that having witnessed his conduct in the expedition to Portugal, and his gallant services upon two particular occasions, he felt it due to his character, and to the consolation of his family, on this occasion to bear testimony to his merits.

Mr. *Wardle* declared he never meant the most distant imputation upon the conduct of that gallant officer, nor had he any personal knowledge of him whatever; he had only mentioned his name as connected with one of the transactions which were the subject of inquiry. Mr. Wardle next adverted to some letters in his possession which were alluded to on the evidence of Mr. Donovan last night, to the reading of which he had no objection, and which he was ready to produce if the committee desired it.

This produced a conversation of some length between the honourable member, lord Folkestone, the Attorney-General, Mr. Perceval, Mr. Sheridan, Mr. Whitbread, Mr. Yorke, and Mr. Bragge Bathurst, after which it was agreed that the Letters should be read.

GWYLLYM LLOYD WARDLE, Esq. a Member of the House, attending in his place, was examined as follows:

Are those the letters Mrs. C. alludes to in her letter to Mr. Donovan, in which she says, "I must be candid and tell you, that in order to facilitate some negotiation, I have given him a few of your letters?" Those are part of the letters I had from Mrs. C.

Are those the letters to which this letter of Mrs. C. alludes? It is impossible I can answer that.

Are those all the Letters of Mr. Donovan's you received from Mrs. C.? To the best of my recollection, all, except some letters of Mr. Donovan's that apply to the commissions that I examined about last night, to be backed by a member of parliament.

Did you obtain the letters of Mr. Donovan all at once from Mrs. C., or at different times? At different times; the letters I have now given in, I obtained in the way I before stated to the house.

These are part of those which you took away without her consent? That I took away, as I before stated.

Was it with her consent or against her consent, that you took away those letters? I have before stated how I took them, I took them from her table; she said I must not take them, or must not use them, or something to that effect.

Mr. JEREMIAH DONOVAN was called in, and examined.

State whether those letters, in the hands of the clerk, are your hand-writing? They are.

[The witness was directed to withdraw.]

[Letters read, dated the 8th October, 1808, the 20th October, 1808, 16th November, 1808, 14th December, 1808, and the 23d December, 1808.]

"Charles-street, St. James's-square,
"October 8th, 1808.

"Dear Madam; The deanery of Hereford is "vacant, and in the sole gift of the duke of "Portland; can you procure it for the rev. "G. H. Glasse? I would myself, unknown "to him, give 1,000*l.* for it. It must be "filled up by next Saturday, at least so a "gentleman, who has just given me the information, said. Mr. G. is my most particular friend, and I would make great "sacrifices to serve him; he is not in town "at present. I can, with confidence assure you he is a very good scholar, a man "of good fortune, and an *extraordinary* "kind *friend*, of excellent connections, well "known to the Dukes of Cumberland and "Cambridge. He is rector of Hanwell, "Middlesex. His town house, No. 10, "Sackville-street.—The money will be deposited on Wednesday next, for the landing waiter's place.—An Inspector of the "Customs, whose duty is rowing a boat "about the river, visiting and placing officers on board different ships, is about to "be superannuated; the salary is 400*l.* "per annum; I am applied to for the appointment, on the resignation taking "place; 1,000*l.* offered for it. Your's "very truly, J. Donovan."
"Mrs. Clarke."

"Charles-street, St. James's-square,
"October 20th, 1808.

"Dear Madam; Some friends of the rev. T. "Baseley, M. A. are extremely desirous of "procuring for him promotion in the "Church; and it appears to them a very "favourable opportunity, the vacancy of "the deanery of Salisbury, to make application to the duke of Portland; and in "order to secure an interest without his "knowledge, a party of ladies, at the head "of whom is lady Cardigan, have subscribed "a sum of money, 3,000 guineas, which is "ready to be deposited, to carry into execution their intended plan.—Mr. Baseley "is well known to his grace, and was particularly recommended to her majesty by "lady Cardigan, on the publication of his "pamphlet, 'The Claims of the Roman "'Catholics constitutionally considered, &c. "'&c.' This chaplain to the duke of "Gloucester, and the bishop of Lincoln, "went *with his grace* upon some occasion "to serve the marquis of Titchfield; would "be very strongly recommended by many "persons of fashion, the bishops of Norwich and Salisbury. I have a letter from "each to Mr. Baseley in my possession, "which would shew the estimation in "which he is held by them. The ladies "are very anxious, and, at the same time, "desirous that he should not know through "what channel the money is raised, much "less the application, nor do they wish to "know any thing further than that he shall "succeed, and then so agreeably surprize "him; or rather that his grace, without "any preface, should have the whole merit "of having selected so worthy a man to fill "the vacancy. Your answer will oblige, "Your's, very truly, J. Donovan."
"Lord M. and Mrs. J. are in town."

"Charles-street, St. James's-square,
"November 16, 1808.

"Dear Madam; The place of Inspector of the "Customs is now vacant by the death of "Mr. Booty, and I learn that the Queen "and the duke of Dorset are about to apply "for it. I hope you will procure it for Mr. "Henry Tobin, the gentleman you were so "good to say you would serve when an opportunity offered. I will do myself the "pleasure of waiting on you whenever you "will appoint on the subject. Can you "procure the paymastership to a second "battalion for 500*l.*? Your's very truly,
"Mrs. Clarke." J. Donovan."

"Dec. 14, 1808.

"Dear Madam; I regret much that I had not "the pleasure to see you on Saturday evening. It was the only time I had been out "since Tuesday, and I have suffered considerably in consequence, from my wound. "—I am daily applied to for the particulars of the appointment at Savannah la "Mar. Is it a surveyor of customs and "landing waiter? Is the salary 1,300*l.* per "annum, or how much is the salary, and "from what do the perquisites arise? Is the "1,300*l.* sterling, or Jamaica currency? "What is the duty? Can you procure the "landing waiter's place in January next? "The paymaster second battalion? Relative to the *letters*, I am in part ready, and "wish to consult with you relative to them. "I shall be at home this evening, and, if "able to bear the motion of a carriage, "dine in your neighbourhood to-morrow. "I remain, Dear Madam, Your's very truly,
"Mrs. Clarke." J. Donovan."

"Charles-street, St. James's-square,
"Dec. 23d, 1808.

"Dear Madam; I am daily plagued about the "Savannah la Mar appointment; also respecting the landing waiter's, the 2d "battalion paymastership, and the commissaryship. Pray let me hear from, or "see you, on the subject of the Savannah "business particularly.—Mrs. Howes requested me to thank you, in her name, "for your kindness, and have got into disgrace for not having done so sooner, and "for not letting her know when you called "last. Your's very truly, J. Donovan."
"Mrs. H. sends her compts."
"Mrs. Clarke."

Mr. *C. Bradshaw* observed, that if his recollection did not completely fail him, Mr. Donovan had been guilty of the most gross prevarication. It was not his intention to offer a single observation, directly or indirectly, until the close of the examination. But if it should prove as he strongly suspected, he should unquestionably move for the committal of Mr. Donovan.—He was proceeding to comment on the doctrine laid down by an hon. gent. under the gallery, when he was called to order by Mr. Croker.

The *Attorney General* stated, that he had just received a letter from general Clavering, which he read to the house, and which stated, That having understood that Mrs. Clarke had introduced his name in her last examination, he was desirous of being examined at the bar of the house that night, and more especially touching his having called at Mrs. C.'s house, as his replies would go directly to impeach that lady's veracity.

Mr. *W. Smith* observed, that if it were intended to commit Mr. Donovan, for having uttered gross falsehoods, the same proceeding must certainly take place with any other witnesses, who, by their conduct, placed themselves in the same predicament. If it could be proved, that Mrs. C. had been guilty of such gross breaches of veracity, as Mr. Donovan seemed to have been, he was at a loss to know where any person could be found who would oppose her commitment. If the assertion of general Clavering were to be weighed against the assertion of Mrs. C. no one could doubt which must kick the beam in the estimation of the committee; but still the committee would perceive, that there was a difference between convicting a person of probable falsehood by producing the testimony of another, and convicting a person of absolute falsehood by the production of his own testimony.

The *Chancellor of the Exchequer* stated the inconvenience which must result from the indulgence of hon. gentlemen in general observation. The remarks of the hon. gent. were by no means called for by what had been stated by his learned friend.

Mr. *Adam* recommended a dispassionate conduct on the part of the committee. It was natural, that in a popular assembly a great diversity of opinions should exist, and that those opinions should be maintained with a heat not always decorous or dignified. It was most desirable that this ardour should be repressed on the present important question, and that the patient examination of the subject, which he was anxious that the committee should pursue, might terminate as it ought, in an impartial discussion, and in that fair and dispassionate manner which became a judicial proceeding of such extreme importance.

DAVID PEIRSON was called in and examined.

(By Mr. Wardle.)

[The evidence given by the witness on the 7th instant, being read,]

Is there any part of that evidence, on which you wish to make any observation or alteration, or any addition? No alteration. On the night that the D. of Y. went to Weymouth, about eleven o'clock at night, I was sent out to get a bill changed; I went out, and got it changed, and brought it in, and returned it to Mrs. C.; she looked it over, and said it was all right. The D. of Y. was present when I gave the bill to Mrs. C. and received it from Mrs. C.

(By Mr. Yorke.)

With whom have you had any conversation, respecting the evidence you gave when you were here last? Not any body.

(By Mr. Sturges Bourne.)

Have you spoken with nobody about it? With nobody; I have not spoken to any one about it.

Have you seen Mrs. C. since you gave your evidence here last? No, I have not.

Did you see Mrs. C. when you retired from the bar on the former day? I saw her, but I did not speak to her.

Did she speak to you? She just bowed her head, and said, "Peirson;" I said, "I have been examined, Ma'am."

Did she say any thing else to you? Not any thing.

Are you positive that no other person has spoken to you on the subject of the evidence you gave here, or you to them? I met Ludowick in the park, and he asked me; he said that I might be mistaken; yet he could not recollect any thing about it.

Was that all that passed between you and Ludowick? It was all that passed between him and me, except he said, that I must make a mistake; that there was a bill brought down one morning, in his presence, of 10*l.* by Mrs. Favourite, and given to a girl to go out and get change; and he thought I must have made a mistake about that bill.

(By General Loftus.)

Did not you make a communication to Mr. Wardle, or speak to him, to say you wished to alter your evidence? I called upon Mr. Wardle, and told Mr. Wardle about the bill that I received from Mrs. C. and went and got change for, and returned that night, in the presence of the D. of Y.; I told Mr. Wardle that I had done that.

What was the amount of the bill you got change for? I think 100*l.* but I am not certain.

Do you adhere to your former statement, that you had spoken to no person on this subject since you were examined in this house? I have not spoken to any person since I was examined.

Where did you get that bill changed? I got it changed at Mr. Byfield's and Mr. Bridgeman's; Mr. Bridgeman and his wife changed it for me, confectioners in Vere-street.

Are Byfield and Bridgeman partners? I believe they are.

Did you try to get that bill changed at any other place? Yes; I went to Mr. Stevens's in Bond-street, and tried there, but they could not do it for me; they sent out, but could not do it for me.

How long have you left Mrs. C.'s service? It is three years ago now.

Have you seen her frequently since you quitted her service? I never saw her before I saw her at this house.

Did not you see Mrs. C. in her chariot a day or two before you gave your evidence at this bar, or on the very day in which you gave your former evidence? The day before she sent for me into Baker-street, where she was in her carriage, to ask me, whether ever I had changed any bill, or knew any bill changed; I said, I recollected Mrs. Favorite giving a bill to Ludowick, and his going and getting the bill changed, and bringing it back again; and how I had taken a bill from her the night the D. of Y. went to Weymouth, and got her change, and brought it back again; she asked me the amount of it, and I could not tell her; and she said she recollected that very well.

Have you made any communication to Mrs. C. since that period, or do you know how it was communicated to her that you meant to alter your evidence? I have not seen or made any inquiry or any thing to Mrs. C.

(By Lord Folkestone.)

How do you account for the circumstance, that at your last examination you did not recollect the particulars which you have now related to the committee? I had a very bad head-ach, and when I have the head-ach it affects my memory, that I am very forgetful, and I did not think of it; and at the same time, when I was asked about the Duke's servant, I thought I must not answer, as I was Mrs. C.'s servant, or I had thoughts of it then, but as I was not asked, I wished rather to withdraw.

Are you labouring under that suffering at the present moment? Not now.

(By the Chancellor of the Exchequer.)

Then it was not merely from the defect of memory occasioned by your head-ach that you did not state the circumstance on your former examination? Yes, it was from that that I did not recollect it; being a stranger, and never at the bar before, I did not know what to say.

Did you recollect at the time that you were here before, what you have stated? I had some recollection, but I could not tell the sum of the bill, or any thing; but I have since recollected, that I believe the bill I changed that night at 11 o'clock, was 100*l.* or thereabouts.

Did you know before you came to the bar this evening, that you were to be re-examined upon this point? No, I did not.

Do you recollect what time of the night it was that the D. of Y. set off to Weymouth, on the night this was changed? Near one o'clock in the morning.

(By Mr. Fuller.)

Did you not know when you were the last time at this bar, that you were to tell the truth? I have told the truth, to the best of my knowledge.

(By Mr. Barham.)

How could you state that you had spoken with nobody on the subject of the evidence you have given before, when you immediately afterwards declared you had spoken both with Mr. Wardle and Ludowick? I did not think what I said then.

(By Colonel Vereker.)

How do you reconcile your memory, being so perfect in every other part of the transaction, and not so perfect as to the amount of the note you got changed? I am not certain of the amount of the note, no further than I think, to the best of my recollection, it was 100*l.*

(By Mr. Smith.)

Do you know a Miss Taylor? I have seen her at Mrs. C.'s.

Was she frequently at Mrs. C.'s? She was frequently at Mrs. C.'s.

Was she ever there when the D. of Y. was there, and in his company? I believe not, I do not recollect to have seen her in his company; she might have been in the house.

Was she usually part of the society when the D. of Y. was there? I never saw her in company with the D. of Y.

Was she very intimate with Mrs. C.? I believe very intimate.

(By Mr. Giddy.)

Are your head-achs of such a nature as to require medical aid? No.

(By Mr. Lushington.)

What did you understand to be the real profession of Miss Taylor? I am quite a stranger to it.

Do you ever recollect Miss Taylor dining in company with Mrs. C. at Gloucester-place? Yes, I do.

Did the Duke ever dine there at the same time? No.

[The Witness was directed to withdraw.]

Brigadier General CLAVERING having stated to a Member of the House, that he was desirous of being examined, he was called in, and examined.

(By the Attorney General.)

Have you sent a letter to me this evening? I did so.

Desiring that you might be examined? I did so.

When did you first know Mrs. C.? I believe it was about six years ago; I am not exactly precise as to the date.

For what purpose did you call at Mrs. C.'s house recently? It was in consequence of a report that I heard, that every person in town with whom Mrs. C. had ever had any conversation, was to be called before this honourable house for the purpose of pledging to her veracity, and I heard among others that my name was introduced; I accordingly addressed a letter to an honourable member of this house, col. Wardle, a copy of which letter I have in my pocket, if it is necessary to produce it.

[General Clavering read the letter.]

"8th Feb."

"Sir; It has been intimated to me, that a letter has been addressed to you by Mrs. C. which is to be brought forward before the house of commons, wherein my name is introduced as being capable, among others, of speaking to her veracity. Should this be the case, I am most urgently to request that my name may be expunged from the said letter. My testimony, moreover, would mar the very point which she is desirous of supporting, since she told me very lately that she was living with Mr. Mellish; since, being a family man, the world would be inclined to attribute improper motives for my acquaintance with a lady in her situation. Being particularly anxious in this business, I wish to have the honour of seeing you upon it; and presuming that 12 to-morrow will not be an inconvenient hour, will wait on you at that time."

I accordingly, at 12 yesterday, did call upon Mr. Wardle, and I stated to him the purport of the letter which I have had the honour of reading to you; and I further stated, that if it was Mrs. C.'s intention to summon me before the house, my testimony must certainly go to impeach her veracity, because it is not above a month since that she absolutely stated to me that she was living with a Mr. Mellish. On my return, after leaving col. Wardle's house, it lay in my way to pass by Mrs. C.'s door, and it occurred to me that probably it might be a service also to state the same circumstance to her; I called there, and she denied herself, and said that she was extremely ill in bed, but that if I would call in two hours, she would see me; I replied, that it would not be in my power to call at that time; she then sent me word she was to be seen at home at five o'clock, if I called at that time; I accordingly did call about a quarter after five, and did not see her: the purport of it was to inform her, that if she did call me, I should be under the necessity of stating what I have now had the honour of stating.

Is there any thing else which you wish to state to the house? If I may judge from the accuracy of what I have heard, I understand my name was further brought forward last night, as having attempted to influence the vote of an hon. member of this house. I declare, upon my honour, to the best of my recollection, I never spoke to that honourable person upon the question, and it was perfectly unnecessary for me so to have done, because the hon. gent. always did vote upon the side on which he then gave his vote.

Did you ever represent, that you had influenced that person to give his vote upon that occasion? Never.

(By Mr. Sheridan).

Did you exert yourself to bring up lord John Campbell from Scotland, to vote upon the Defence Bill, towards the latter end of 1805, or the beginning of 1806? To the best of my belief and recollection, I never wrote to him nor spoke to him upon the subject.

Did you at any time during your acquaintance with Mrs. C., promise to send her recommendations of any officers? Never; but it will be necessary to explain the answer that I gave there more fully. About six weeks ago I received a letter from Mrs. C., stating her inclination to see me; I called upon her, when she informed me she was extremely anxious to promote a young man who was a lieutenant in the 20th regiment, and that h. r. h. the D. of Y. was also anxious he should be promoted, and that Mr. Greenwood was also anxious he should be promoted. I was just then returned from abroad. She informed me a regulation had been lately entered into, that any member of parliament or a general officer writing a letter to col. Gordon, that recommendation would be taken into consideration immediately; I informed her I was not aware of any such regulation, and that previous to my taking any step of that kind, as it was totally unknown to me, I must know that that person was a deserving character. She accordingly, about two days afterwards, inclosed me a letter signed by lieut. col. Ross, of the 20th regiment, stating that lieut. Sumner, the officer in question, was a very deserving character. In order to be satisfied that this letter was written by lieut. col. Ross, I went to the house of Messrs. Greenwood and Cox, and shewed the letter to the head clerk, who informed me that it was the signature of col. Ross; I afterwards informed her that it would be absolutely necessary that a proper letter should be written to me upon the subject, and as she had told me this lieut. Sumner was a nephew to Mr. Sumner, an hon. member of this house, I desired that this letter should be written by him to me. Accordingly a few days afterwards I received a letter, which was absurd in the extreme, dated from the Temple, and dated something sooner; the letter was so extremely absurd, that I returned it to Mrs. C., stating in my letter, that if she meant it as a joke, it was an extremely bad joke, and that if I sent it to the War-Office, it would be very badly received; and I concluded, that I was her humble servant. A few days afterwards, she sent me another letter, signed by this same Mr. Sumner, which letter I have in my pocket, but which second letter I took no notice of, in consequence of the extreme absurdity of the former.

[The letter was delivered in and read].

> “Sir; my brother, lieut. Sumner of the 20th foot, being desirous of purchasing a company in the 79th regiment, and having served in the above-mentioned corps with the entire approbation of his commanding officer, (if not in that, in any other old regiment of the line,) I take the liberty of requesting, that you will adopt the necessary steps for promoting his wishes by such recommendation of him, to the D. of Y., as his conduct appears to merit; and you will confer a very great favour on your, &c. Cha. C. Sumner.”
>
> “Temple, Jan. 17, 1809.
> “Brig. Gen. Clavering.”

Did Mrs. Clarke represent to you who this Mr. Sumner was, from whom the letter came? She informed me upon my first interview with her, that he was a nephew of Mr. Sumner, the member for Surrey.

Were you informed who the Mr. Sumner was, who was supposed to have written that letter? I never was informed who the Mr. Sumner was, who wrote that letter, but I have been informed this evening, that there is no such person in existence.

(By Sir T. Turton).

At either of the times you called upon Mrs. C. yesterday, did you leave any and what message, and with whom? If I mistake not, I stated that to the hon. house before; I left no other message than that I should call at about a quarter after five, as she had appointed that time for being at home.

Did the gentleman who was with you, leave any message in your hearing? There was no person with me.

At either of the times? On the second time, I certainly said it was extremely extraordinary that she had gone out, when she had appointed that time for seeing me.

Did you leave any message purporting what was the nature of your visit to her? I left no message whatever, but that which I have had the honour of stating.

I understood you to say, that you impeach the credibility of the testimony of Mrs. C., upon the ground that she represented herself to be living with a Mr. Mellish; did she represent herself to you as living with Mr. Mellish the member for Middlesex? She did not say that he was the member for Middlesex.

Have you any, and what reason to suppose that she did not live under the protection of a Mr. Mellish? That which passed in this hon. house a few evenings past; it was proved that she did not live with Mr. Mellish.

Then I understand you to say, that you have no other reason for impeaching the credibility of the testimony of Mrs. C., but the statement that she lived under the protection of a Mr. Mellish? Not any, that I am at present aware of.

Have you any reason, independent of any circumstances that you have read or heard of, to impeach her testimony, or to consider her not worthy of belief? I certainly do not conceive her worthy of belief, from having imposed upon me in the manner she had, and from the variety of contrary evidence it does appear she has delivered before this hon. house.

How has she imposed upon you? By having informed me that she was under the protection of Mr. Mellish, which I understand not to be the case.

How do you understand that not to be the case? From its appearing to have been proved to the contrary before this hon. house.

Have you any other reasons whatever, than those you have stated, to believe that she has imposed upon you? None, that I am at present aware of.

(By Mr. Charles Dundas.)

Have you not stated in evidence to this committee, that she has imposed upon you by stating that there was a false letter written to you in the name of Sumner? If I am correct in my recollection, I did not state this evening that she had imposed upon me on that account.

Have you not stated, that in the case of the Defence Bill your name had been used, which you denied to be true? I stated, that I had heard so, but not from herself.

(By Mr. Wardle.)

Are you acquainted with Miss Taylor? If it is the Miss Taylor who has been examined before this house, I certainly have seen her at Mrs. Clarke's.

Have you frequently seen her at Mrs. C.'s in Gloucester-place? I may have seen her probably twice or three times there.

Was she there as the friend and companion of Mrs. C., when you saw her there? I certainly believe not, because Mrs. C. informed me, that she kept a boarding-school at Chelsea.

When she was in Gloucester-place, was she not upon a visit to Mrs. C., and associating with her, living with her for the day? That is more than I can reply to, not recollecting having ever been in Gloucester-place more than twice.

(By Mr. Rose.)

Did you not state that Mrs. C. had informed you that a regulation existed, by which a letter of recommendation of an officer, requesting promotion, forwarded by a member of parliament or a general officer, would obtain consideration; and have you ascertained whether such a regulation does exist? I certainly have informed myself, that any application from an hon. member of parliament or from any general officer, will always meet with attention at the office of h. r. h. the Commander in Chief.

Is the sense in which you understand attention will be bestowed upon a letter so sent, the sense in which you understood the communication you received from Mrs. C.? I really do not understand the question.

Do you understand the regulation, as you suppose it to exist, to be the same as she described it to you? Certainly not, because she gave me reason to understand, that, during the time I was absent abroad on foreign service, a regulation had been issued, and no regulation had been issued upon the subject; I cannot say that she absolutely in those direct words said so, but she gave me to understand it, and I did so understand it.

In what respect does the representation she gave of this regulation, and what you understand to be the practice of the Commander in Chief, differ? They differ most widely, in consequence of no such regulation as she informed me of having ever been issued; but it was always understood, that a recommendation from a member of this house would be attended to, provided the object so recommended, on further inquiry, was found worthy of promotion.

(*By Mr. Western.*)

You have stated, that you called at Mrs. C.'s twice recently, to request that you might not be called upon to speak to her veracity; had you any other communication with Mrs. C. relative to the subject now undergoing the consideration of this Committee? I certainly had another object in view besides, that I did not wish my name to be brought forward in a case of this kind, because the world might naturally imagine, that, having had any communication with a lady of that description, it might have been a communication of a criminal nature, which, upon my honour, never did exist.

Had you no other reason for requesting that you might not be called upon? None but what I have had the honour of stating to this Committee.

(*By Mr. Herbert.*)

You have stated, that you impeach the credibility of the evidence of Mrs. C., because she told you that she lived under the protection of a Mr. Mellish, which you think contradicted by the evidence that came before this Committee; what reason did she give you, or what reasons induced you to suppose that the Mr. Mellish she alluded to must be the member for Middlesex? If I am correct, I did not say that it was Mr. Mellish, the member for Middlesex.

(*By Mr. Quin.*)

Having stated that you called twice upon Mrs. C., to request that your name should not be mentioned, or that you should not be called upon to give any testimony against her; what motive has induced you to come now to give this evidence? Because my name having appeared in the public papers, I was desirous of wiping away the imputation which I have already referred to.

(*By Mr. Lamb.*)

Are you acquainted with Mr. Dowler? I never heard of him, excepting through the medium of the public prints.

Do you recollect having had any conversation with Mrs. C. upon political transactions, at the period of 1804 and 1805? I have no recollection of any conversation of the kind; I am certain that none of that nature then took place.

No conversation on the subject of the debates that were taking place in this house, and who was likely to vote on one side, and who on the other? I have no recollection of any circumstance of the kind, and I am almost positive that no conversation of that nature ever did take place, as it was a business in which I did in no way whatever concern myself.

(*By Mr. J. Smith.*)

Had you any communication whatever on the subject of Army Promotions with Mrs. C.? I never proposed any conversation of that kind, nor do I recollect any having ever existed, excepting at the period I before alluded to, when she requested I would recommend to the consideration of the D. of Y., lieut. Sumner, of the 20th regiment.

I understand you then to say, you had never at any time any communication or conversation whatever with Mrs. C, on the subject of Army Promotions, except in the case of lieut. Sumner? Certainly not, as being the subject of conversation.

Had you any incidental conversation with Mrs. C. upon that subject? A period of so many years having elapsed since that time, it is impossible to speak positively and accurately to a question so close as that, but to the best of my belief I do not think I had.

(*By Mr. Wardle.*)

Do you of your own knowledge know that Mrs. C. used her influence in favour of any person whatever in the Army with the Commander in Chief? I do not.

Do you of your own knowledge know of any person that asked her to use her influence with the Commander in Chief upon that subject? I am not acquainted with any person that ever did; I have heared reports of that nature, but I cannot bring to my recollection any person positively.

Then you state positively that you do not know of any transaction of that nature? None, to my certain knowledge.

Give a direct and positive answer to that question? I do not know of any transaction of that nature.

[The Witness was directed to withdraw.

The Marquis of *Titchfield* rose and observed, that the story some nights since mentioned to the house, respecting an Office in the City, in which the name of a noble relation of his (the duke of Portland) was implicated, appeared to him, as it must to the house and the public, so completely ridiculous, that he thought it unworthy of any attention on his part; but he now understood that there was a letter on the table, referring to a particular transaction, with regard to which he wished to submit some explanations to the house. The Mr. Beazley, mentioned in the letter alluded to, called at his noble relation's house—

Mr. *Whitbread* wished to know whether the noble marquis was offering his statement as evidence? It appeared to him that it ought to be entered in the minutes. In consequence of a circumstance, which incidentally came out last night in evidence, a Committee had this day been appointed to investigate some concerns connected with the East India Company, and possibly a Committee might become necessary, with regard to the affairs of the Treasury also.

The *Chancellor of the Exchequer* observed, that the only difference was as to the expediency of entering the noble lord's statement in the Minutes. In his judgment, that did not appear necessary, particularly as it referred to a point not properly relevant to the professed object of the inquiry.

Mr. *Whitbread* suggested, whether, as the point deemed irrelevant by the right hon. gent. was already in the Minutes, it would not be better, that the noble lord's explanation of it should be inserted there also.

Mr. *Rose* thought it not material to press the question, whether the noble lord's explanation should be inserted in the Minutes or not, although certainly wide of the original object for which the Committee was appointed; but this was but one of many instances, in which the Committee had gone astray.

Mr. *Wilberforce* wished the noble lord's statement to be inserted in the Minutes.

Mr. *Sheridan* thought the proposed statement should be inserted among the evidence, to enable the house to judge of the case. If it appeared, that Mrs. C. had made an improper use of the name of the D. of Y., the inference would be pretty strong, that she had made an equally improper use of the name of the duke of Portland.

The MARQUIS OF TITCHFIELD, a Member of the House, attending in his place, was then examined.

(By Mr. Sheridan.)

Will your lordship state every thing you are acquainted with as to an application from the rev. Mr. Baseley to the duke of Portland? Mr. Baseley called upon the duke of Portland, on the 3d of Jan., not being able to see him, left this Letter, which the servant gave to my noble relation; it is dated No 9, Norfolk-street, Grosvenor-square. [The Marquis read the Letter.]

"Norfolk-street, Grosvenor-square.

"My Lord Duke; I wished particularly to see "your grace upon the most private business. I cannot be fully open by Letter. "The object is, to solicit your grace's re"mendation to the Deanery of Salisbury, "or some other Deanery, for which the "most ample pecuniary remuneration I "will instantly give a draft to your grace.

"For Salisbury, three thousand pounds. "——I hope your grace will pardon this, "and instantly commit these lines to the "flames.——I am now writing for the benefit of Administration, a most interesting pamphlet. Excuse this openness; "and I remain your grace's

"Most obedient and obliged Servant,

"T. Basely."

"P. S. I will attend your grace whenever "you may appoint, but sincerely beg your "grace's secrecy."

Indorsed:

"Delivered by the Writer himself
to my Servant, on Tuesday 3 Jan.
1809, at Bn. House, P."

This Letter was delivered by the Writer himself, and is indorsed by the duke of Portland, the 3d of Jan. in the present year. Upon receiving this Letter, my noble relation, finding that the Writer of it was gone, gave particular orders that Mr. Baseley never should be admitted into his house, and the same day wrote a Letter to the Bishop of London, of which I have a copy in my hand, inclosing the Note which I have just delivered in at the Table. [The Marquis read the Letter.]

"Burlington House,
"Tuesday 3 Jan. 1809."

"My Lord; The person by whom the Note "inclosed was left at my house this morning being possessed, as I understand, of "one if not of two Chapels in your lordship's diocese, I consider it to be in"cumbent upon me, from the sense I have "of the duty I owe to the public, as well "as from my respect for your lordship, not "to suffer you to remain uninformed of "it; and I accordingly take the liberty of "laying it before you.—I have reason to "believe that the Note is written by the "person whose name is subscribed to it, as "I have heretofore received Notes or Letters from him, the writing of which, to "the best of my recollection, very much, "if not exactly, resembles that of the "Note enclosed; and one if not more of "which was written at my house in consequence of my declining to see him. The "Note inclosed, however, he brought with "him; and on my desiring to be excused "seeing him, he gave it to my servant, "and immediately left my house. As I "have no copy of the Note, I must desire "your lordship to return it to me."

Indorsed:

"To the Lord Bishop of London,
"3d Jan. 1089."

I do not know whether it is necessary I should read the letter which my noble relation received from the bishop of London in consequence. [The Marquis read the Letter.]

"Fulham house, Jan. 5, 1809.

"My Lord,

"It is impossible for me to express the astonishment and indignation which were "excited in my mind, by the perusal of "the Letter which your grace has done me "the honour of enclosing; a mark of your "attention for which I must beg you to accept my best thanks.—It is too true that "this wretched creature Basely has one if "not two Chapels in my Diocese. I have "long known him to be a very weak man, "but till this insufferable insult upon your "grace, I did not know he was so completely wicked, and so totally void of all "principle: And as your grace is in possession of the most incontestible proofs of his "guilt, you will, I trust, inflict upon him the "disgrace and the punishment he so richly "deserves. I have the honour to be, &c.

"B. London."

Indorsed:

"The bishop of London."

That is the whole of the transaction.

Mr. THOMAS PARKER was called in, and examined.

(By Mr. Wardle).

Are you furnished with your Books of Accounts? I have no more than I had yesterday, nor I do not understand that there is any more: I was not acquainted that I was to attend at the house this evening till I had the summons, but I sent to desire them to let me have all the Books and Papers that had Mrs. C.'s name upon them. [The witness was directed to withdraw.]

Mr. WILLIAM TYSON was called in and Examined.

(By Mr. Wardle.)

Have you got any account of checks of h. r. h. the D. of Y., that were sent into your house by the late Messrs. Birkett of Princes-street? Not any.

Have you any notes of hand, or bills? Not any.

Have you any memorandum in your books of any such bills having passed through your house? Not to my knowledge.

Have you the late Messrs. Birkett's accounts at your house? Yes, we have.

Have you examined those accounts before you came here this evening? Yes, I have.

Was not the order that you received, to bring those accounts with you? It was.

Why did you not comply with that order? I have brought a statement of Birkett's checks.

Had any body spoken to you upon this subject before you were served with a summons this day? No one.

Do you take upon you to say that nobody to your knowledge has been at your house upon this subject, within these last ten days? Not to my knowledge,

Are you a partner in the house? I am not.

Why was it you did not comply with the Order of the house? [The Order was delivered in and read.]

You have stated, that you have a list of checks with you, what is that list? In 1803, Oct. 7, Parker and Birketts draft payable to Clarke or bearer for 120*l.*; in 1804, April 26, payable to Clarke or bearer 50*l.* August 11, payable to Clarke or bearer 70*l.*; Sept. 15, payable to Clarke or bearer 50*l.*; in 1805, March 13, payable to Clarke or bearer 364*l.* That was the whole I saw payable in the name of Clarke.

Whose checks are those; by whom are they drawn? The first four I believe were drawn by Parker and Birketts; the remaining one by Birketts and Dockery.

You have stated that you have examined Messrs. Birketts account, and find in that account no checks whatever by the D. of Y., as having passed through your hands? My instructions were to see what checks were drawn by Birketts and Dockery in favour of Mrs. C., which I have done.

Do you happen to know that any bills were ever left at the banking-house of Marsh and company by Messrs. Birketts, in which Mrs. C.'s name appears to have been the drawer or the acceptor? I have no knowledge of any. [The witness was directed to withdraw.]

Colonel LORAINE was called in, and examined.

(By the Chancellor of the Exchequer.)

Did you hold any situation in the Commander in Chief's office, at the time when col. French's levy was first instituted? I did.

What situation did you hold at that time? Assistant Military Secretary.

State what you know respecting col. French's application to be permitted to raise a levy of men at that time;—It came in the usual course of office and passed regularly though the office, and was examined as all things of that kind are, and every pains taken to ascertain whether it was a levy that would answer the purpose or not.

Did the application of col. French come to the office in writing, in the first instance? It did.

Can you produce that writing? These are the terms which were produced in the first instance. [The terms were read.]

What was done upon this proposal? It appeared to have lain by for some time, and col. French wrote another letter. [Note was read, dated March 5th 1804.]

What situation did col. Clinton hold at that time? Military Secretary to the Commander in Chief.

Was any answer sent to that note by col. Clinton? To the best of my recollection when this note came to the office it was sent to me, and I was desired to examine the terms that were offered by col. French. At that time I was in the habit of consulting and communicating with gen. Hewitt, who was then inspector general of the recruiting service, and I shewed the terms to him, and he desired that col. French might be referred to him; in consequence of that, a reference was made, which I believe will appear by the correspondence. [A letter read, dated Horse Guards, 7 March 1804.]

Do you recollect what was the next step taken upon this proposal? As far as I recollect col. French applied to gen. Hewitt, as directed; and gen. Hewitt of course examined the terms that he proposed, and modelled them as he thought fit for the Commander in Chief's consideration; and after it had gone through the whole of the regular course in the office, the letter of service was issued by the Secretary at War, which is usual in those cases.

Is there any letter of March 20th? Yes, there is; col. French made various representations with regard to his levy, before it was finally settled.

Can you, by referring to those papers, give any account of those different applications? There is one representation of the 20th March, which I hold in my hand.

Is there one of the 18th or 20th of April? There is a copy of a letter from col. Clinton of the 18th of April, returning the proposals, with the Commander in Chief's remarks thereupon. [The letter was read.]

The Proposals in short, after having been referred to gen. Hewitt, were accepted with certain alterations, which appeared in red ink in the margin of that paper? They were.

Are you aware of any other alterations that took place in the course of the levy, and how were they introduced, if any? To the best of my recollection, the bounty was raised at two different times during that levy, because the bounties to the regiments of the line had been increased.

Are there any letters among those papers which give an account of that circumstance? Unless I had time to look over the whole papers, I do not know that I could speak to it.

Is the course of office, after the levy is approved, to send it to the secretary at war? It must necessarily go to the secretary at war, because it is by him that the letter of service is issued.

Were you in office in April 1805? I was.

Will you see whether there is any letter of the 16th April 1805, from the Commander in Chief to the secretary at war? There is. [The letter was read.]

Subsequent to that letter, do you recollect any application from Messrs. French and Sandon, proposing some alterations in this levy? Yes, I have a proposal of the 20th April.

What is the effect of that proposal? They proposed that a certain number of officers should be employed in the levy, of a different description from what they had before; that appears to be the drift of it, and also a change with regard to the non-commissioned officers.

Was there any answer to that letter? There was, of the 25th April 1805, a letter from col. Gordon. [The letter was read.]

(By Lord Folkestone.)

What situation do you now fill? I am one of the commissioners for the affairs of barracks.

What situation did you hold before? I was lieut. col. of the 91st regiment, and assistant military secretary to the Commander in Chief.

How long were you assistant military secretary to the Commander in Chief? About 7 years.

What was your rank in the army when you first became assistant military secretary? Major of the 9th regiment of foot.

Did you purchase the lieut. colonelcy? I did not.

Did you ever join your regiment as lieut. col.? Never; when my regiment was ordered on service, I twice offered to join my regiment, and the Commander in Chief did not accept either of my offers, saying, I must remain in my present situation, meaning at the Horse Guards; after this, I did not think that it would be becoming in me to offer again, because it might appear that I was volunteering my services, when I knew my services would not be accepted; and I beg leave to add, that before I came to the Horse Guards, I had been 22 years in the service, and constantly with my regiment; and therefore I did not think that I was so peculiarly called upon, as perhaps a young man who had never seen any service.

(By the Chancellor of the Exchequer.)

Are you now in the army? In consequence of having served 29 years, when I accepted of a civil situation in the barrack department, his majesty was graciously pleased to allow me to retain the rank I now hold, but that rank is not to be progressive.

Did you sell your lieut. colonelcy? I did.

At what price? I know of no other price but the regulated price allowed by his majesty.

Where have you served? I served four campaigns during the American war, in America; I have served between five and six years in the West Indies; during that period I served with the late lord Grey at the capture of the French West India islands; and I have served on the continent of Europe.

Did col. French's levy go through all the ordinary stages in the office; was there any thing irregular or out of the way in the manner in which it was proposed or adopted? It went through the regular course of office, and if I may be allowed to say it, I think it was more hardly dealt with than any other levy at that time going on, and for this reason, that gen. Hewitt, who was inspector general of the recruiting service, had a great prejudice against any officer that he considered a recruiter.

Were the different applications referred to gen. Hewitt before they were accepted? I invariably laid every thing of the kind before gen. Hewitt that came into my hands; as I had constant communications with him, it was impossible to find any opinion so good as his upon that subject.

Were the suggestions of gen. Hewitt in the alterations that he proposed, adopted by the Commander in Chief? To the best of my recollection, almost always in those cases.

Do you remember in the course of those proceedings, any alterations proposed by gen. Hewitt that were not adopted? I cannot exactly recollect that, but the whole of the proposals were modelled as far as possible according to his wishes and opinions.

Is gen. Hewitt now in the kingdom? He is not; he is Commander in Chief in the East Indies.

Do the papers in your hands contain every written communication which has passed upon the subject of col. French's levy in the Commander in Chief's office? It is impossible for me to answer that question, not being now in the office, and having had no interference or hand at all in looking over these papers.

Then you are not able to state that these are the whole of the communications upon this subject? No.

[The Witness was directed to withdraw.]

Mr. JEREMIAH DONOVAN was called in, and examined.

(By Mr. Wardle.)

Did you know major Tonyn, of the 31st regiment? I did.

Relate what you know respecting major Tonyn's promotion from the 48th regiment to the majority of the 31st.—I believe it was about the month of March 1804, that capt. Sandon called upon me, and told me that he had an opportunity of promoting a gentleman to a majority; if I knew of any gentleman who had claims that would entitle him to it, he could forward the promotion. I mentioned this circumstance to capt. Tonyn, who was a very old officer, I believe he had served about 23 years. The terms upon which he was to obtain that promotion, as far as I can recollect, was 500*l*. Capt. Tonyn waited for some time, and he became impatient. I believe about the month of May, or June, he said, as there were a number of field officers to be promoted, he considered, as he had not obtained that promotion through capt. Sandon, in the mean time, he should withdraw his name from capt. Sandon, and take his chance in the regular line of promotion; in consequence of which I immediately waited on capt. Sandon, and apprized him of it. Capt. Sandon requested that he might be introduced to capt. Tonyn; he was. Capt. Sandon argued with him, and told him that it was in consequence of his recommendation that he would be gazetted. Capt. Tonyn, on the contrary, said, that his father, gen. Tonyn, had recommended him for a majority; and that, as he understood a vast number of captains were to be promoted to majorities on the augmentation, he certainly should be promoted without the interest of capt. Sandon; however, they agreed upon some terms; what they were I do not know, I had nothing to do further with the pecuniary transaction, nor did I know till the May twelvemonth following, the year 1805, how it was that major Tonyn obtained that promotion.

What did you know in 1805, to which that refers? I knew that major Tonyn was promoted.

Is that all you know? But major Tonyn's promotion came out in the general promotions of augmented field officers.

Is that all you know? That was all I knew till the year 1805. Major Tonyn, I believe, was gazetted in August 1804, and then, to my astonishment, I was informed by Mrs. C. that she was the person who had obtained that promotion.

Do you know whether the 500*l*. was lodged upon the first agreement in the hands of any particular person? The money, I believe, was not lodged in the hands of any person in the first agreement.

Do you know whether any money was lodged prior to the gazetting of major Tonyn? I did not know that any money was lodged prior to the gazetting of major Tonyn.

Do you know whether any money upon that communication was lodged at all or not? I do not know that any money was lodged previous to that period.

I do not ask previous to any particular period, but do you know that any sum of money was lodged with any body on that account? There was no sum of money lodged on that account; but, I believe, a gentleman had undertaken to pay capt. Sandon the sum of money which I understand was paid to capt. Sandon; but I do not know it.

Do you know who that gentleman was? I do.

State who he was.—Mr. Gilpin.

Who was Mr. Gilpin? An army clothier, and agent to the 48th regiment.

Do you know at what period this sum was lodged with Mr. Gilpin? I do not know that any sum was lodged with Mr. Gilpin; Mr. Gilpin, I believe, undertook to pay the money.

Do you know that Mr. Gilpin did pay the money? I do not, further than having been told so.

Do you know of your own knowledge who did pay that money? I do not, nor when it was paid, nor how it was paid.

Who told you? Mrs. Clarke.

What did Mrs. C. tell you? She told me that she had received a sum of money for the promotion of capt. Tonyn to a majority in the 31st regiment.

Did Mrs. C. tell you what sum of money it was? I do not exactly recollect what sum it was.

Are you positive that you cannot recollect what sum it was? I am.

Did Mrs. C. tell you from whom she had received that sum? She told me she had received that sum, whatever it was, from capt. Sandon.

You have stated, that capt. Huxley Sandon told you that he had the power of getting promotion? He did.

State what passed upon that subject, as nearly as you can recollect, between capt. Sandon and yourself.—Capt. Sandon told me that he had the power of obtaining promotion through some gentleman, a friend of his: but he never told me who the person was through whom he did obtain the promotion, until I met him, and conversed with him upon this subject, in the room where the witnesses had been waiting near this house.

State who that person was, whom capt. Sandon named this night.—Mrs. Clarke.

State whether capt. Sandon has ever stated to you his power of promoting officers, independent of this one circumstance of capt. Tonyn.—At the same time he mentioned to me, that he could promote lieutenants to companies; I think captains to majorities; majorities to lieutenant-colonels; and, in the first instance, he told me, it was in consequence of the new levies that were to be raised, or some augmentation to the army.

Did capt. Sandon ever speak to you about other promotions, unconnected with those new levies? He never spoke to me as to any other promotions than those I have mentioned now; I was imposed upon by the supposition, that it was new levies, or an augmentation to the army.

You do not of your own knowledge know of any other transaction of the nature in which capt. Sandon was concerned? I believe that a major Shaw applied, and that I left his papers in the hands of capt. Sandon; but he could not obtain the promotion for major Shaw.

What was the promotion major Shaw wanted? Permission to purchase a lieutenant-colonelcy, or to get a lieutenant-colonelcy without purchase, by paying a sum of money for it.

And major Shaw did not establish that wish? Not through that channel.

Through what other channel did he establish it? Major Shaw's papers were delivered back to me, and returned to major Shaw. I believe they were brought to me by a Mr. Macdougall, as I recollect, and I believe they were returned to Mr. Macdougall. Some time afterwards, Mr. Macdougall asked me, if I could procure that promotion for col. Shaw. A lady had called upon me, and said, that she had an opportunity of promoting major Shaw's wishes.

Who was that lady? Mrs. Hovenden.

Where does Mrs. Hovenden reside at present? In Villiers-street, York-buildings.

At what number? At No. 29.

Was that lady at the house with you the other night? She was.

Is major Shaw now at the Cape of Good Hope? I really do not know, but I understood he got the promotion, and went to the Cape of Good Hope.

State whether, through the medium of this lady you have named, any other promotions have been effected in the army? Not to my knowledge; it may be necessary to explain the business of major Shaw, because it was not through that introduction at that period that major Shaw obtained that.

Was this the only circumstance of the sort that was carried through the medium of that lady? I know not of any that was carried, not even of that.

Do you know of any that through her medium was attempted? I have heard her say that some were attempted, but I cannot say what they were.

You do not know that any money was lodged, upon capt. Tonyn's attempt at promotion? I do not: I have already explained that Mr. Gilpin, I understood, undertook to pay it, but that no money was lodged.

(By Lord Folkestone.)

You have stated, that capt. Sandon informed you that he had the means of promoting lieutenants to companies, captains to majorities, and majors to lieutenant-colonelcies; in consequence of that information, did you negociate such promotion? I did not negociate any promotion through capt. Sandon, except that of major Tonyn, by introduction.

Were you to receive any remuneration for that introduction? I was.

What were you to receive? 25*l.*

Did you receive it? I did.

Have you, since you were last examined, recollected any negociation which you carried on for promotions in the army, besides those which you mentioned in your last examination? I have never thought of any.

Are you now certain that those were the only ones in which you ever engaged? I am not certain.

You have stated, that you learnt from Mrs. C., in 1805, that she had received 500*l.*? No, I do not know the sum exactly.

That she had received a sum of money in consequence of major Tonyn's promotion; at what time of the year did you receive that information? It was in the month of May, 1805; major Tonyn had been gazetted in August, 1804.

Where was it you received that information from Mrs. C.? At Mrs. C.'s house in Gloucester-place.

On what occasion were you at Mrs. C.'s house at Gloucester-place? I was there in consequence of a report which had been circulated, that I was the author of some scurrilous paragraphs against h. r. h. the D. of Y. I had traced my information to Mrs. C., and from her I traced it to capt. Sutton, but not the first time I saw her, and that was the reason I waited on Mrs. C.; I had no other introduction but that.

Did you receive that information at your first visit or your second visit, or your third visit? At my second visit, as near as I can recollect.

Do you recollect any other conversation that passed between you and Mrs. C. at that second visit? I do not recollect the conversation; it was not of any consequence.

Did any conversation pass respecting promotions in the army? I do not recollect that any conversation passed relative to promotions in the army at that time; it might be so.

Do you recollect that any such conversation passed at any other time? I believe on the third visit.

What was that conversation? That Mrs. C. had been the means of promoting major Tonyn.

You have stated, that you received that information at your second visit? I am not certain whether it was at the second or the third; I do not say it was absolutely the second, but I believe it was; I had no expectation of being called upon, and therefore I made no minutes or memorandum of it.

Are you certain any conversation took place respecting major Tonyn at the third visit? I am not certain whether it did or not; I know it did not on both meetings.

You have stated, that in your second visit to Mrs. C., no conversation took place about military promotions, except that of major Tonyn; did any such conversation take place at any other time? I believe it did, relative to major Shaw.

Never as to any case but that of major Tonyn and major Shaw? Not in which I was concerned.

Are you sure you were never concerned in any other? I am not sure.

(By Sir Robert Williams.)

Did Mrs. C. at any time inform you whether the D. of Y. knew any thing of the transaction of major Tonyn's promotion? Mrs. C. never informed me of h. r. h.'s having known any thing of it, till November last.

What did she state to you in Nov. last? She mentioned, amongst a number of other things, that she had been extremely ill used by h. r. h. the D. of Y.; that in consequence of that, unless h. r. h. did that which was right towards her, she would publish the whole of the transactions which had passed relative to promotions during the time she lived with h. r. h.

But not relative to major Tonyn's? Not particularly to major Tonyn's.

Did Mrs. C. ever inform you that she had mentioned to the D. of Y., that she had received a sum of money on account of major Tonyn's promotion? Never till then, the month of Nov. last; on the contrary, when I visited her in Gloucester-place, in the first instance, she, so far from mentioning h. r. h. being privy to it, was so alarmed at my name being announced as a friend of major Shaw, or any other person, that major Shaw got his papers back immediately, gave Mrs. Hovenden 10*l.* for them, and said he would have done with Mrs. C., for that my name had prevented his promotion taking place; and, in consequence of that, I had no more to do with major Tonyn in his promotion, which I understood took place about 12 months afterwards, nor did I ever see him but once since, on Ludgate-Hill.

What did Mrs. C. say, in Nov. last, on the subject of major Tonyn? I have mentioned what she said of major Tonyn, that she had received a sum of money, which she should publish, among a number of other circumstances, unless h. r. h. did that by her which she thought he ought to do.

What sum? The sum which she had received for major Tonyn's promotion.

And that she had informed the D. of Y. of it? No, never.

(By General Norton.)

You have said, that gen. Tonyn recommended his son for promotion? I have said, that major Tonyn informed me that gen. Tonyn had recommended him.

Do you know how long captain Tonyn had had the rank of captain in the army? I believe nine or ten years.

Can you tell, in the course of your business, whether you do not know that that is a very long period for an officer to remain in the rank of captain before he gets to the rank of major? I understand, that a captain of ten years standing is entitled, and generally receives, the brevet of a major.

Are you certain that it was not by brevet he got his rank? I believe it was by augmentation, and not by brevet, for he was appointed to the 31st regiment; had it been by brevet, he would have continued in the 48th.

(By Sir Thomas Turton.)

Have you not stated, that in your interview with Mrs. C. in Nov. last, she informed you h. r. h. was acquainted with the circumstance of money given for captain Tonyn's promotion? She said that she should publish it, but she did not tell me that h. r. h. was acquainted with it.

Was that in Gloucester-place that you saw Mrs. C. in Nov. last? No, it was in Bedford-place.

[The following Question and Answer were read over to the Witness:]

> "Q. Did Mrs. C. ever inform you, that she had mentioned to h. r. h. the D. of Y., that she had received a sum of money on account of major Tonyn's promotion? A. Never till then, the month of Nov. last."

Mr. *Donovan.* That is not what I mean to say.

Chairman. State how you wish that answer to be taken down.—No; In Nov. last Mrs. C. told me, that if h. r. h. did not do that which was right by her, she would publish the case of major Tonyn, with many others.

Did she, in Nov. last, communicate to you, that she had informed h. r. h. of her having taken a sum from major Tonyn? She did not; she only threatened to publish that, with many other cases.

I understand you to have said, she was extremely anxious that it should not come to the ears of the D. of Y., when you saw Mrs. C. in Gloucester-place; is that so? It is.

What reason did she give for that anxiety? She said, that if h. r. h. should know of her having received any money for military promotions, that she should be disgraced, and the officer would lose his commission.

You are sure, upon your recollection, that that was the reason which was assigned? I am.

(By Mr. Wallace.)

When capt. Sandon stated to you, that he had the means of obtaining promotions through almost all the gradations of the Army, did he state to you any particular terms upon which those promotions were to be had? I recollect that he said, for a majority 500 guineas; but I do not recollect that he stated the particulars of every commission.

Had you any reason, either at the time or afterwards, to consider capt. Sandon, in that business, as the agent of Mrs. C.? Never, till Mrs. C. herself told me so.

Did you visit Mrs. C., in Nov. last, by her own solicitation? It was by her own solicitation.

You have stated, that she used certain threats, unless conditions were agreed to; what terms did she state to be the terms of her forbearance? The payment of her debts, and the settlement of an annuity.

Did she apply to you, to participate in carrying those threats into execution? She did.

To what extent? I am afraid I should be obliged to implicate many persons, with whom she took very great liberties, in mentioning their names, as persons who were in fact instigating her to these acts.

State what Mrs. C. said to you, to induce you to participate in that business? Mrs. C. said that the D. of Y., unless he came to these terms, must be ousted from his command; that he would then retire to Oatlands, where he would soon cut his throat; that was her expression.

Was that all that passed? I endeavoured to prevail upon her to inform me who were her associates in the plot: her answer was, that if I would go with the tide, she would provide for me and my friends very handsomely, for in that case she would have a *carte blanche,* that would enable her to do more business than she ever had done: that was her expression.

(By General Loftus.)

Did she state to you who were her associates in this plot, as you term it? She said that she was bound to secrecy, though she longed to inform me; that was her expression.

Then how could you implicate others, if she did not inform you who they were? There was one or two persons whose names she mentioned as having offered her money for some papers.

Who were they? One was sir Francis Burdett; she said that sir F. Burdett, about 18 months before, had offered her 4,000*l.* for the papers, but that she would not then take less than 10,000*l.* I did not believe her.

Who were the others? I do not wish to mention. [The Chairman directed the Witness to answer the question.] There was but one more; I do not chuse to mention the other person. [The Chairman informed the Witness, it was the sense of the Committee he must answer the question.] It was capt. Dodd that she mentioned as the other person who wished to get the papers from her.

How was this to be carried into execution? She did not inform me.

You have stated, that if you gave names, you must implicate a number of people; how much further do you mean to go with the names, to make out a number of people? I do not mean to go any further.

[The following words of the Witness, in a preceding part of the Examination, were read:]

> "I am afraid I should be obliged to implicate many persons with whom she took very great liberties, in mentioning their names, as persons who were in fact instigating her to these acts."

Do you mean that two constitute the many you spoke of? [The Witness referred to a paper.]

(By the Chairman.)

What is that paper to which you are referring? Memorandums.

Do you mean that two constitute the many you spoke of? Two cannot constitute many.

Then name the others? I am in an error in that, in mentioning many.

What terms, or what consideration did she inform you capt. Dodd had offered for the papers? She did not mention what he had offered for the papers, but that he had wished to possess the papers.

Do you know what situation capt. Dodd is in? I do not.

Does he hold any official situation, that you know of? I believe he does.

What is it? I do not know what it is that he holds, but I believe he holds some official situation under h. r. h. the Duke of Kent.

Do you, of your knowledge, know of any other persons concerned in this transaction? I do not; I do not know that they are, further than the report of Mrs. C.; nor do I believe it.

You referred to some Memorandums; why did you refer to them, and what do they contain? They contained some notes taken at different periods; I believe the best way will be to read the whole.

[The Witness was directed to withdraw.

Captain HUXLEY SANDON was called in, and examined.

(By Mr. Wardle.)

Did you know major Tonyn? Yes, I did.

State what you know respecting his promotion from the 48th to the majority of the 31st regiment.—In an interview with Mrs. C., she asked me if I had any military friends that wished for interest; if they had money, she thought she could get them promoted. At that period, I did not know any body; but meeting with Mr. Donovan the next day, I asked him if he had any friends, he said yes, there was a gentleman in town that he thought would give a sum of money for a step; I asked him what sum he would give; he said he thought he would give 500 guineas. I spoke to Mrs. C. upon the subject, and she said, by all means close with him. When I saw Mr. D., I told him that I thought I could procure his friend the step that he wished for; upon which he produced a memorandum, signed by a Mr. Gilpin of the Strand, for the sum I have mentioned, whenever he should appear in the London Gazette, gazetted as a Major. I believe it was near upon two months or ten weeks, I suppose it might be two months, when capt. Tonyn, for I never had the honour of seeing capt. Tonyn before that period, got tired that his promotion did not appear; he desired Mr. D. to call upon me, to say, that if I could not get the business finished, I had better return him his memorandum. I waited upon Mrs. C., and told her what Mr. D. had said. She said he was a shabby fellow, that he was very much in haste, but that if he would wait quietly, she dare say it would be done, and desired me to say that he had better wait a little. However, the next day I met Mr. D., and I told him the interest that we had to procure the Majority; had informed me that they had better wait a little. Mr. D. said, I am instructed by capt. Tonyn to say, you must give up your security immediately, for we are pretty clear, or at least I am pretty clear, you cannot get him gazetted; and another thing, gen. Tonyn has spoken to the Commander in Chief, and he has promised him the first majority that is vacant. I then begged to see capt. Tonyn; Mr. D. introduced me to him; he then told me the same, 'Sir, this business has been a long while upon the carpet, I do not think you can effect what you say you can do, and I desire you will give me up the security I gave you, for gen. Tonyn, my father, has procured a promise from the Commander in Chief, to give me a majority.' I observed to him, that he had better wait a few days, for that I thought in all probability he would be gazetted. However, after arguing the point for a little time, he said, for two or three gazettes it does not signify, let the business go on, and if I find I am gazetted in a week or ten days, the business shall be as it originally was. However, to make short of the story, I believe it was the Wednesday when we were speaking, and on the Saturday or Tuesday following he was in the gazette as major—the consequence was, I received the 500 guineas, 500*l.* I gave to Mrs. C., and 25*l.* to Mr. Donovan.

(By Sir Thomas Turton.)

Do you of your own knowledge know that the promotion of major Tonyn was owing to the interference of Mrs. C.? No, I cannot say any thing upon the subject.

Have you any and what reason to believe it was owing to the interference of Mrs. C. I have no reason at all to believe it was owing to the interference of Mrs. Clarke.

Did Mrs. C. ever inform you that she had procured the appointment of major Tonyn from h. r. h. the D. of Y.? She certainly informed me she had got him gazetted.

Do you mean by that, that she informed you that she had got him gazetted by means of her application to the D. of York? She always told me she would get him gazetted, and of course it was through that interest, I imagine.

Did she state that it was through the D. of Y. that she obtained it? She told me yes, that it was through her interest; but whether it was or not I cannot say.

Do you believe that this was obtained through Mrs. C.'s application to the D. of Y.? I doubt it exceedingly.

Had you yourself no emolument from this transaction? I received 500 guineas; 500*l.* I gave to Mrs. C., and 25*l.* I gave to Mr. Donovan, which I believe makes the 500 guineas. I had no emolument.

Did Mrs. C. send you a Gazette, announcing the promotion? I really do not know, I gave her the money the moment I saw it in the Gazette; she had no occasion, for I watched the Gazette, and the moment I saw him gazetted I took her the money.

You have stated, that you do not believe this appointment was effected by the interference of Mrs. C.; for what did you pay Mrs. C. the 500*l.*? Because we had promised upon his appearing in the Gazette as a major, for that was the way in which the note ran, that we were to receive the 500 guineas, whether it was by her interest or gen. Tonyn's did not signify, the note ran "on my appearing in the London Gazette: gazetted as a major."

Did you apply to Mrs. C. for this appointment to be in the Gazette, and on seeing the appointment in the Gazette, she was to receive 500*l.*? Yes.

General Tonyn was promised the first majority that became vacant for his son? So capt. Tonyn told me.

Did you receive as a remuneration to yourself any part of the 500*l.*? No.

You have stated, that you delivered the 500*l.* to Mrs. C., and the 25*l.* to Mr. Donovan; what advantage had you? Nothing at all.

[The witness was directed to withdraw.

GEORGE HOLME SUMNER, Esq. a member of the house, attending in his place, made the following statement:

I have only to confirm the statement made by gen. Clavering, that I have no nephew of the name of Sumner, and that I believe there is no such person living in the Temple.

Mrs. MARY ANN CLARKE was called in and examined.

(By Mr. Wardle.)

Do you recollect recommending capt. Tonyn of the 48th regiment, for a majority to h. r. h. the Commander in Chief? I do.

Do you recollect who introduced capt. Tonyn to you for your recommendation? Either Mr. Donovan or capt. Sandon.

Do you recollect whether you were to receive any sum of money, provided capt. Tonyn was gazetted? I do not recollect the stipulated sum, but I received 500*l.* when it was gazetted.

Did you make it known when you recommended capt. Tonyn to the Commander in Chief, that you were to receive any pecuniary consideration for his promotion? Yes.

(By Mr. Dickenson.)

How did you come by the Gazette you sent to Dr. Thynne? I suppose by the newspaper man.

(By Mr. Croker.)

Did you ever apply to gen. Clavering for a recommendation in favour of lieut. Sumner? Yes.

Are you acquainted with lieut. Sumner? No.

Who recommended lieut. Sumner to you? Mr. Donovan.

Do you recollect, whether you represented lieut. Sumner to gen. Clavering as being allied or connected with any particular person? Yes, with his relations.

What relations? His uncle.

Who was his uncle? Dr. Sumner.

Was that the only relation you mentioned to gen. Clavering? No, Mr. Sumner the member also.

By whom was lieut. Sumner represented to you, as the nephew of Mr. Sumner the member? He was nephew of the Doctor.

What relationship was he represented as bearing to Mr. Sumner the member? I cannot exactly recollect, but it was cousin, or something in that way; that he was a relation.

Have you ever represented yourself as being under the protection of a Mr. Mellish? Neither him, nor any man.

Have you not represented yourself as being at one time, under the protection of h. r. h. the D. of Y.? I really think that gentleman is more mad than the person that was committed last night. [The Chairman informed the witness she must answer the questions, and not make irrelevant observations.] The whole of the gentlemen know that already, by the representation which has been given before.

Have you not represented yourself as being at one time, under the protection of h. r. h. the D. of Y.? I do not know that I ever did represent myself so; people knew it, without my telling it.

What do you mean by saying, it was very well known already by what had happened? I do not recollect the name of any person that I ever represented myself to as living under the protection of the Duke of York.

Will you positively say you do not recollect ever to have stated, that you lived under the protection of the D. of Y.? Yes, I will positively say, that I do not recollect that I did, to any particular person.

Will you say, that you never represented yourself as being under the protection of any gentleman of the name of Mellish? No, I never did, nor any other.

You are positive of that? Quite so.

Did you ever make any representation to that effect? Never.

Did you never make any such representation to gen. Clavering? No, never; I will repeat what was said in my parlour; gen. Clavering was mentioning to me, one morning when he called, that Turf Mellish was just setting off with gen. Ferguson; I said, yes, I have been told so, that he had taken leave of the Prince the night before: he said that I was in a very good house, and something, that Contractors and Beef went on very well: that was all that passed: I made no answer to that: I have many times heard the report, both of him and many others.

Do you recollect having conversation with Mr. Donovan, in Nov. last, relative to the proceedings that are now taking place? No

Do you recollect stating, in a conversation to Mr. Donovan, that if h. r h. the D. of Y. would not come into your terms, you would publish all the transactions which had passed between you during the time you had lived together? No.

Did any thing to that effect pass between you and Mr. Donovan? No.

Did you ever try to induce Mr. D. to assist you in any purpose of exposing the D. of Y. or publishing those transactions? No; but I will repeat what he said to me in the Secretary's room the other night; he said if he had been aware of what col. Wardle intended to have done, and he had called upon him and stated his intentions and behaved in a handsome manner, he would have put him into the way of proceeding, but as it was, he should go entirely against the whole of it; that he might have given him many and many cases.

Is that conversation which took place the other evening in the witnesses room, the only one you have ever had with Mr. D. concerning this business? The only one, except what I wrote.

Was any body present when this conversation took place between you and Mr. D. in the witnesses' room? It was full of persons, but he spoke to me privately apart.

Did you ever mention sir F. Burdett's name to Mr. Donovan in any way connected with this subject? No.

Do you know sir F. Burdett? In what way, as an acquaintance or personally only?

Are you acquainted with him? I have seen him a few times.

Have you ever spoken to him or he to you? I told him I had been a little acquainted with him, very slightly.

Has sir F. Burdett ever written to you or sent you a message? No, he has not, not that I can recollect.

Did sir F. Burdett ever apply to you to procure from you any papers relative to the subject now under inquiry? Never once; nor have I had any sort of communication, nor heard or known any thing of sir F. Burdett since May last, and that was merely accidental.

Have you ever told Mr. Donovan, or any body else, that sir F. Burdett offered you money for some papers in your possession, or any think to that effect? No.

Do you know capt. Dodd? Yes, I do, slightly.

How long have you known capt. Dodd? Since my living in his neighbourhood.

Do you often see capt. Dodd? What is meant by often?

More times than once, or how often? Yes, more times than once, if that is often.

When did you see capt. Dodd last? I do not recollect; but I have no view in screening it at all; I am not ashamed of capt. Dodd, nor I dare say capt. Dodd of me, only perhaps just at this time.

Did capt. Dodd by any means demand or ask of you any papers in your possession relative to this transaction? Never; we have never talked about it.

Did you ever represent to Mr. Donovan, or any other person, that capt. Dodd had tried to procure from you some papers relative to this transaction? Never to any one.

Did you ever express any wish to Mr. Donovan, that he would join with you or assist you in prosecuting this inquiry? Never.

Or on any subject connected with the transactions now under inquiry? Never.

Do you know col. M'Mahon? Yes.

Did you ever write an anonymous letter to h. r. h. the prince of Wales? To shew col. M'Mahon in his proper colours, I will produce his notes here to-morrow evening.

Did you ever write an anonymous letter to h. r. h. the prince of Wales? I wrote a few lines to the prince of Wales, stating that a person wished to see him, and col. M'Mahon called.

Did you sign any name to this anonymous Letter? (A loud laugh.)

Well, then, did you sign your own name, or any name, to those few lines which you sent to the prince of Wales? It was only a few lines without any name, and col. M'Mahon called in consequence, and when the servant opened the door, he asked, who kept the house; Mrs. Farquhar, that was my mother. When he came up stairs into the drawing-room, he said, Mrs. Farquhar, how do you do? what is the business? I told him, that I wished to see the prince of Wales, and after a few minutes conversation, col. M'Mahon found that I was Mrs. C.; he then promised to communicate the message to the prince, and the next day brought me a very civil message from h. r. h. stating, that he was extremely sorry he was obliged to go out of town to Brighton, which he did do that morning, that it was impossible for him to interfere, that he had a very great respect for me, was sorry for the manner in which I had been treated, and that col. M' Mahon might use his influence with the D. of Y. to be the bearer of any message that might be the means of making peace; but that it was a very delicate matter for h. r. h. to interfere with his brother. Several notes passed between col. M'Mahon and me, and several interviews. He mentioned to me that he had seen h. r. h. the D. of Y. at one time, I think in July, that the D. of Y. asked him, if I was not very much exasperated against him, and if I did not use very strong language, and abuse him. Col. M'Mahon said, Quite the contrary, Sir, I assure you; Mrs. C. is very mild towards you, and she lays the whole of the blame on Mr. Adam; he said, She is very right, I will see into her affairs. That was the end of the first message. I think the last message that col. M'Mahon brought me was, that he could not bring h. r. h. to any terms at all, to any sort of meaning concerning the Debts, and although I had behaved so very handsome towards h. r. h. and had exacted nothing but his own promises to be put in execution, or even to take the sum that was due to me upon the annuity and pay the tradesmen, and then I would let h. r. h. off of the debts, as that perhaps would satisfy them; that he considered it as very fair, and very honourable, and very liberal, or he would not have been the bearer of those messages; and he said, he esteemed me very much, from the character I bore among my female acquaintances that he was intimate with, I mean women of character, and for the services I had done to many poor young men within his knowledge. I will bring some of his Notes, or give them to col. Wardle, to be read here to-morrow, to corroborate what I have stated.

Did you in Nov. or Dec. last, represent yourself to any persons as still having the power of procuring military promotions, or any other offices? No; but I recommended some that wanted promotion to a person.

Who was the person to whom you recommended them? I will mention his name; and I intend to have him here; but it cannot happen immediately, from some circumstances. I must beg to be excused naming him now. [The Chairman informed the witness that she must answer the question.] If I answer the question, it will be impossible for me to produce him here; he will get out of the way; he will not come here. [The Chairman informed the witness that she must answer the question.] Mr. Maltby, of Fishmongers' Hall.

Is Mr. Maltby the only person to whom you have made any recommendations since Nov. or Dec. last? Yes; except the letters I sent to gen. Clavering.

Have you represented yourself at any time, since the close of 1806, as having it in your power to procure army promotions, or other offices? No; except through Mr. Maltby, which he can speak to, if they lay hold of him.

Have you had any communication with any other person than Mr. Maltby, relative to the procuring army promotions or offices? No; except what I have just spoken to.

What situations did you endeavour to procure through Mr. Maltby, and for whom? As I thought Mr. Maltby ought to be exposed in the whole of his conduct, I have not thought much about it; but I have letters at home I can bring forward, when I am called upon.

What situations did you endeavour to procure through Mr. Maltby, and for whom? I forget.

Do you not recollect any one of them? Not one.

Of the situations you endeavoured to procure so lately as Nov. or Dec. last? I am so little interested in it now, I cannot recollect.

Do you even recollect how many situations you endeavoured to procure? No.

Can you recollect whether they were army promotions, or civil situations? The letters I have at home can distinguish between them, but I cannot at present; besides, I wanted them for friends.

Who were the friends for whom you wanted these appointments? When they give me the liberty of using their names, I will communicate them. [The Chairman informed the witness she must give a direct answer to the questions, unless she objected to them, and appealed to the chair.] I certainly must object to them. [The Chairman informed the witness, that it was the opinion of the Committee that she should name the persons.] I have already named Mr. Maltby; if he is brought forward perhaps he will name the persons. [The Chairman again informed the witness, that it was the opinion of the Committee that she should name the persons.] One is Mr. Lawson; I cannot recollect the other.

Recollect yourself, and state to the Committee those persons whom you so represented as your friends, whose names you would communicate when you had their permission.—That is one of them.

Who were the others? I do not recollect.

Why did you speak of friends, instead of speaking of a single friend? If you try to serve a person you call them your friends, if you interest yourself for them.

Do you stake the veracity of your testimony upon that last answer, that you recollect but one of those persons? I think that I ought to appeal to the Chair now. [The Chairman directed the witness to state the objection she had, and the Committee would decide upon it.] He is a very respectable man, and he has been already very ill used, and I am afraid of committing him and his family. [The Chairman directed the witness to name the person whom she alluded to as a respectable person.] That is giving his name at once; really I cannot pronounce his name rightly, though I know how to spell it, and I must be excused.

Do you not know how to pronounce the name of your particular friend, whom you represented as a hardly used man? [The Chairman admonished the witness that her present conduct was very disrespectful to the Committee.] I mean to behave very respectfully, and I am very sorry if I do not; but I do not know but the gentleman may lose the money he has already lodged, if I mention his name.

[The Witness was directed to withdraw.]

The *Chancellor of the Exchequer* wished the witness to be told, that with whatever forbearance the committee had hitherto treated the witness, it could not long endure this trifling on her part with the questions which the committee chose to ask; but that she must, if she did not alter her behaviour, suffer the punishment with which the committee of the house of commons, out of a regard to its own dignity, must visit an obstinate perseverance in a want of proper respect.

Mr. *Windham* said, that there seemed to be a mistake on this point. The witness, he understood, had not positively refused to answer, nor done any thing with respect to this question which necessarily implied a disrespect to the house. She had, before answering directly, stated an additional reason why she should not answer, for the consideration of the committee; and that reason was, that the individual, if named, would be subject to great inconvenience and suffering. It did not necessarily follow that the witness was blamable for submitting that reason before she answered.

The *Chancellor of the Exchequer* would be sorry if an impression prevailed any where that he had interfered too soon; and if there were any gentlemen, who did not perceive, in the last half hour, in the witness's conduct, an attempt to evade, to trifle and shuffle, (a loud cry of No, No, No! from several members) He meant to state that no other witness in any other cause than this could, upon displaying such improper behaviour as this witness had done within the last half hour, escape being committed. (No, No, No!) The hon. gentlemen did not agree with him in that; but it was certainly his opinion. He did not, however, impute blame in any quarter for suffering the witness to proceed in this sort of behaviour thus long; but at the same time, in support of the dignity of the committee, it was necessary to assert the respect due to it, after long and manifest abuse of indulgence.

General *Matthew* said, that the Chancellor of the Exchequer was wrong in talking of inflicting punishment on the witness. This mode of treating evidence, was a violation of the liberty of the subject. This was a point, which ought to be always kept in view, and he would pay no attention to what was said from the government side of the house.

Mr. *Croker* insisted upon the importance of having an answer to the question. She had stated that the party would suffer the loss of the money that was pledged—it was for the reason which she urged as an objection, that he wished the question to be answered, because it afforded a hope of getting to the bottom of the transaction.

[The witness was again called in, and informed by the Chairman, that the Committee had considered her reason for declining to answer the question put to her, and was of opinion that she must answer the question.]

What is the name of the person you alluded to? Mr. Ludowick or Lodowick.

Has that gentleman any other name but Ludowick? I do not know his other name.

Who is Mr. Ludowick? He is a gentleman, I believe he lives in Essex; that is all I know of him.

Whereabouts in Essex does he live? I do not know.

Who introduced Mr. Ludowick to you? I never was introduced at all.

How did you become acquainted with Mr. Ludowick? Through different friends.

Name the friends that recommended Mr. Ludowick to you.—I cannot exactly name which it was in particular, but Mr. Maltby can tell, if he is had before the house.

Name the friends that recommended Mr. Ludowick to you.—I cannot name any one in particular; Mr. Maltby knows more of him himself than I do.

Is Mr. Ludowick the person whom you stated as having suffered enough already, whose name you were unwilling to tell? Yes.

In what has he suffered already? In lodging his money, and being a long while out of the appointment, meeting with frequent disappointments from day to day. At a future time, or after Mr. Maltby has been examined, I will mention the general officer's name that he has made free with, I do not know whether correctly or incorrectly.

That who has made free with, Ludowick or Maltby? Maltby.

What disappointments has Mr. Ludowick suffered, to which you allude? I have already stated them.

What appointment has Mr. Ludowick been disappointed of? I believe two or three; first one was mentioned, then another; I cannot speak to one particularly.

Try to recollect any one of them, or all of them.—I really cannot; when Mr. Maltby comes forward, he will be able.

Do you mean to state, that you cannot recollect any one of the appointments, Mr. Ludowick has been disappointed of? One I can; but there have been three or four since offered to him, neither of which he has been able to procure.

Name that one? Assistant Commissary, I think.

Where has Mr. Ludowick lodged the money which you speak of, or with whom? As to that I cannot tell, but I can when I look over my papers at home.

Do you say positively, that, without looking over your papers at home, you cannot say where this money is lodged? Yes, I do.

How much money has Mr. Ludowick lodged? From 800*l.* to 1,000*l.*

Who was the general officer whose name Mr. Maltby represented himself as having made use of? Is that a fair question? [The Chairman informed the witness that she must answer the question.]

Sir Arthur Wellesley; and one of the excuses for one of the appointments not taking place, was, sir Arthur being so very deeply engaged in the investigation at Chelsea. If this is not true, I'm doing sir Arthur a great service by bringing it forward.

What appointment was it that was so delayed, by sir Arthur being so much engaged? I believe it was this first, that of assistant commissary, but I am not sure.

For whose use is the money lodged? I do not know, but I can tell by looking at my papers.

You have certain papers at home, which will enable you to state to the committee for whose benefit the sum of money in question is now lodged, and where it is lodged? Yes.

How came you to be in possession of those papers? They will shew for themselves when I produce them, better than I can explain it.

How came you in possession of those papers? From Mr. Maltby.

Was it Mr. Maltby that introduced Mr. Ludowick to you, or you Mr. L. to Mr. M.? I do not think they have ever seen each other, not that I know of.

Did you first mention Mr. Ludowick's name to Mr. Maltby, or did Mr. Maltby mention it first to you? I to Mr. Maltby; I believe he has been in the habit of acting as agent for these ten or a dozen years in this sort of way.

Has Mr. Maltby made use of the name of any other person besides sir A. Wellesley? He has written very pointedly to that to me, and spoken besides.

Has Mr. Maltby made use of the name of any other person besides sir A. Wellesley? I cannot recollect at present; but I shall, at a future time, if I am here, and will state it.

Where did you form your friendship for Mr. Ludowick? I have already said, that any man that I interested myself for, I considered as a friend; I am not intimate with him.

How came you to interest yourself in Mr. Ludowick? From a friend of my own.

Who was that friend? Mr. Barber.

Where does Mr. Barber live? In Broad-street, in the city.

How long have you known Mr. Ludowick? I do not know him, but by means of his family.

Do you mean to say you have never seen Mr. Ludowick? No, I did not mean to say that.

Where have you seen him, and when? I have already said, I do not know him; I might have seen him, and not have known him.

Have you ever seen Mr. Ludowick, or not? I cannot tell, as not knowing his person.

About what time was it that this commissariat appointment began to be in negociation? I cannot remember, but the papers will date it exactly.

What year? Last year.

Can you recollect what part of last year? No, I cannot.

What kind of papers are those you allude to; are they letters? I do not know what they are.

Do you mean to say, that you do not know at all what kind of papers they are? They are papers written on.

Are they letters, or securities? They shew what they are; I cannot exactly speak to them; I will give them to Mr. Wardle to-morrow.

You have said, that those papers will inform the committee of all the particulars of this transaction; how can you say that, if you do not know what those papers are? Because I do not know how to describe them exactly.

Do you recollect their contents? No, I do not; but I know there are a great many letters from Mr. Maltby, and something about the bankers; enough to shew the whole of the transaction.

(By Sir R. Williams.)

Do you recollect to have stated to capt. Donovan, that if h. r. h. the D. of Y. was informed of your ever having received any money, it would be your ruin? Never to any person whatever.

(By Mr. Sheridan.)

Through what channel, or by whose influence, did you propose to Mr. Ludowick, or the agent employed by Mr. Ludowick, to procure the situation that he required? Mr. Barber will recollect that; and he is a very honourable man, and will speak to the truth, and I believe he knows the parties.

Who was the person whom you held out yourself as having such influence over, as that by that influence you could procure the situation desired by Mr. Ludowick? I do not think that any one was held out, I fancy they guessed the D. of Y., but no one was held out; and I think it is very likely that Mr. Donovan supposed the duke of Portland; but I mean here to say, that he is not at all connected. And the office that Mr. Wardle mentioned in the city I know nothing at all about; I was very sorry to see that Mr. Wardle had mentioned such a thing, because every one who knows the Lord Chancellor, must know that, besides being one of the highest, he is one of the most honourable men in England; and if there are any insinuations about the duke of Portland, Mr. Maltby is the duke of Portland.—He is my duke of Portland: I mean entirely to clear myself from holding out any insinuations against the duke's character. Mr. Wardle accused me once of going into the duke of Portland's, and that he had watched me in; I told him I was not in the habit of going in there, and I laughed at him; and afterwards somebody told him it was Mrs. Gibbs; more likely Mrs. Gibbs than me. I wish to do away the two stories of Mr. Mellish and the duke of Portland before the hon. gentlemen.

Am I to understand you, you never did give out to any person, that you had access to or influence with the duke of Portland? No, I did not; I fancy that once I laughed very much about some sort of birds, with Mr. Donovan; but I mean to say, I never did use his name.

How long have you known Mr. Lawson? About 4 or 5 months.

(By the Attorney General.)

Who introduced Mr. Lawson to you? He is a piano-forte maker.

What office has he been soliciting? I do not recollect, I cannot tell what; it is something that Mr. Donovan has been concerned in as well; something at Savannah la Mar.

What appointment did you solicit for Mr.

Lawson? One of those places; there are a number of them; but Mr. Maltby can speak to it; I fancy he has been lodging money lately, within this very short time, within this fortnight, perhaps.

Where? I do not know, but Mr. Maltby knows; it is some concern of his.

What makes you think that he has deposited a sum of money within this last fortnight? Because he told me he was going to do it.

When did he tell you so? About a fortnight since.

Where did you see him when he told you so? At my own house.

With whom did he say he was going to deposit it? He did not say with whom; but Mr. Maltby had some more of these men, who had to be concerned in it, and he was to lodge it with his bankers.

With whose bankers? Mr. Maltby's, I suppose.

How long have you known Mr. Sandon? Ever since col. French's levy.

Was that the first knowledge you had of him? If he did not come about col. French's levy, he came about some other appointments; I should rather think he brought me a list of officers for appointments, instead of the levy first.

Did he come to you voluntarily, or did you send for him? I could not send for him, for he gave Mr. Corri 200*l.* for an introduction, him and col. French.

Was that before capt. Tonyn's recommendation? Yes.

How much had Mr. Sandon out of the money paid by capt. Tonyn? I never inquired.

He had no part of the 500 guineas, had he? No; I should not wonder but what he had eight or nine from capt. Tonyn, it was something more than the five, or else Mr. Donovan had.

He got more than you did by that transaction then? No, not that; I state it at eight or nine, and he gave me five; but I do not know that he had that.

What makes you think that he had it? I think he must have had something, or he would not have troubled himself in the business.

What do you suppose he had about col. French's Levy? Col. French told me, that he stole half.

(By Sir Mark Wood.)

You stated in your examination yesterday, that you were at the Opera with a lord Lenox and some other gentleman; how long have you known lord Lenox? I never knew him at all.

I understood you to have stated in your examination yesterday, that you were at the play or the Opera with lord Lenox and sir Robert Peat? I said I was along with sir Robert Peat, and an old gentleman came in with this Mr. Williams, and they said that was lord Lenox and Mr. Williams. Sir Robert Peat said that.

You mean to say you did not know this lord Lenox before you saw him at the play that night? No; I had seen him driving about town, and knew it was the man they called lord Lenox, but never spoke to him before.

Are you positive you never spoke to him before? Quite.

The witness was directed to withdraw.

G. L. WARDLE, esq. attending in his place, was examined:

(By the Chancellor of the Exchequer.)

Did you ever reproach the last witness with going to the duke of Portland? I had heard that she had been there; and I wondered what she could be doing there; so far I did reproach her.

Who told you that she had been at the duke of Portland's? I heard it at the Office I mentioned in the City; a person described her person, and they said there was a Tidewaiter's place to be sold, they believed; but they were not certain; it depended on an application then making by a lady to the duke of Portland; I went again in a few days; they described a person excessively like Mrs. C. and when I saw her I questioned her about it, and said if it was so, she was doing very wrong.

Do you know Mr. Maltby? I have seen him once, I think, at Mrs. Clarke's.

Did you ever endeavour to trace the transactions carrying on by Mr. Maltby? I did in some measure; but I could not at all succeed: he would not commit himself at all to me; I endeavoured to catch him upon one point, but he would not open to me at all.

Were you aware that the Witness was employing Mr. Maltby, in these transactions? I merely understood from her that he was employed in one business, which I endeavoured to find out, but I endeavoured in vain; I could not get him to open at all.

Did she state to you that it was a business in which she was concerned? No, she did not; she merely mentioned that he was about business, I forget the name now, I was excessively anxious to find it out.

Did she ever mention to you the business respecting Mr. Ludowick? I do not know that ever she did; I do not know the name at all, but I really think she said that he was in the habits of doing it for a number of persons; one case she mentioned, and I endeavoured to sift it to the bottom.

Did she ever shew you these papers she has referred to? No, she did not; I think I saw one or two notes to her about the thing I endeavoured to find out, but it has escaped me what it was; it is several weeks ago, and I have had so much upon my mind, that after an attempt or two, it is impossible to recal it.

Colonel GORDON was called in, and examined

(By the Chancellor of the Exchequer.)

Have you brought with you the official documents respecting the appointment of major Tonyn? Yes, I have.

State to the Committee what you know upon that subject. I hold in my hand the first recommendation upon the subject of captain Tonyn—major Tonyn: with the permission of the Committee, I will read it.

[Colonel Gordon read a Letter, signed Patrick Tonyn, dated the 27th of June 1803.]

"May it please your royal highness;
"Sir; In the present period of extension of "his majesty's forces, I beg leave to re-"commend the 48th regiment to your "royal highness's consideration.—I hope "it will not be thought I presume too far "to say, capt. Tonyn for some time past "has commanded the 48th at Malta; "and with great submission, I likewise "venture to mention lieutenant Tonyn: "and I most humbly petition your royal "highness, graciously to condescend to "grant my sons your royal protection.—"With most profound and dutiful respect, "I have the honour to remain with all sub-"mission, &c. PAT. TONYN.—118 Park-"street, 27th June 1803."

"Indorsed:
"London, 27 June 1803.—Gen. Tonyn."
"Promoted to a Majority in the 31st Regi-"ment, upon the formation of a second "Battalion, in Aug. 04.—Without pur-"chase."

(Inclosure.)
"H. r. h. will be glad to consider the Gene-"ral's two sons on favourable opportunities "for promoting them."

General Tonyn was an old officer? One of the oldest officers, I believe, at that time in the Army. The answer to that Letter is dated the 29th of June, 1803.

[Colonel Gordon read it.]

"Horse-Guards, 29th June 1803.
"Sir; I have to acknowledge the receipt of "your letter of the 27th instant, recom-"mending to me your sons captain Tonyn "and lieut. Tonyn of the 48th regiment; "and I request you will be assured, that I "shall have much pleasure at a favourable "opportunity, to pay every attention in my "power to your wishes in their favour. I "am, &c. (Signed) FREDERICK,
"Com. in Chief."
"General Tonyn, &c. &c. &c."

Indorsed:
"Copy of a Letter from H. r. h. the Com. in "Chief to Gen. Tonyn, 29th June 1803.

The next document upon this subject appears to be a Memorial from captain Tonyn himself.—[Colonel Gordon read it.]

"To his Royal Highness the Duke of York and "Albany, Commander in Chief of His Ma-"jesty's Forces.
"The MEMORIAL of GEORGE AUGUST. TO-"NYN, Captain in his Majesty's 48th Re-"giment of Foot;
"Humbly Sheweth; That your memorialist has "been near twenty-four years an officer; "fourteen of these on active service with "the 48th regiment, on all its various sta-"tions, in the West Indies and the Medi-"terranean.—That your memorialist, being "the senior captain present with the regi-"ment most humbly implores your royal "highness's protection; and that your royal "highness will be pleased to recommend "him to his majesty's royal favour; that "his majesty may be graciously pleased "to grant him promotion to the rank of "major, in such manner as your royal high-"ness may think fit.—And your memo-"rialist, as in duty bound, will ever pray."

Indorsed:
"Memorial.—George Augustus Tonyn, captain 48th regiment.—March—1804.

(Inclosure.)
"C. L."
"Captain Tonyn to be noted for promotion, "and acquainted that h. r. h. will be "glad to consider him on a favourable op-"portunity.—J. G."

This Memorial is without date, but it was received in March 1804. The Answer to that Memorial I hold in my hand.—[Colonel Gordon read it.]

"Horse-Guards, 15th March 1804.
"Sir: I have the honour, by the Commander "in Chief's commands, to acknowledge the "receipt of your Memorial without a date, "and to acquaint you in reply, that your "name has been noted for promotion; and "his royal highness will be glad to consider "you on a favourable opportunity.—I "have, &c. (Signed) "W. H. CLINTON."
"Capt. Tonyn, 48 Foot, 118, Park-street."

Indorsed:
"Copy of Lt. Col. Clinton's Letter to Capt. "Tonyn, of the 15th March 1804."

The document I hold in my hand relates to the promotion of lieut. Tonyn, alluded to in the first letter of general Tonyn: it remains with the Committee to decide whether that is to be read.

(By Mr. Wilberforce.)

Was not gen. Tonyn colonel of the regiment at the time he made the application in favour of his sons? Yes, he was. These are all the documents that I have, with respect to major Tonyn. It appears, that in the month of August 1804, a very large augmentation was made to the army, consisting of no less than fifty battalions; in the formation of those battalions I received the orders of the Commander in Chief to prepare a list of the senior officers of the army, generally, of each rank, and to take their names from the book of recommendations, where they had been noted. In consequence of this command, I did prepare a list, and submitted it to the Commander in Chief; and, in that list, in the same list with major Tonyn's name, there were 53 officers appointed to majorities; namely, 11 majors removed from other corps, or from the half-pay; 13 brevet majors; 29 captains. Of those captains seven were captains of the year 1794, nine were captains of the year 1795, amongst them was capt. Tonyn, five were captains of the year 1796, seven of 1797, and one of 1799. I have mentioned that capt. Tonyn was a captain of 1795, there were only six captains in that year senior to him in the service. That is all I know on the subject of captain Tonyn's promotion.

(By the Chancellor of the Exchequer.)

It appears that in the letter of general Tonyn he recommends two of his sons; can you state any thing with reference to the other son? On the 30th of May 1804, general Tonyn writes again: [Colonel Gordon read the letter.]

"Sir; I have the honour to transmit a letter "from captain Long of the 48th, requesting his royal highness the Commander in Chief's permission to sell his "company, having purchased. I humbly "beg leave to recommend lieut. Charles "Wm. Tonyn to h. r. h. the duke of "York's favourable representation to his "majesty; humbly praying, that he may "be graciously pleased to grant him leave "to purchase capt. Long's company, the "money being lodged with the agent for "the same; as all the officers standing before him in the corps have declined the "purchase.—Give me leave, Sir, to beg "the favour of your good offices in behalf "of my son, whose declaration I have the "honour herewith to inclose, and that you "will have the goodness to implore for him "h. r. h.'s gracious protection. I have the "honour to remain, with all respect, &c.

"Pat. Tonyn."

"118, Park-street, 30th May 1804."

Indorsed:

'48th Foot.—Lt. Tonyn, Mem. 2d June 1804.'

(Inclosure 1.)

"Mallow, 15th May 1804."

"Sir; Circumstances of a peculiar nature "having lately occurred, that oblige me "to retire from the service, I have sent in "a memorial to the Commander in Chief, "to be allowed to sell my commission at "the regulated price. I take the liberty "of informing you, as early as possible, of "my intentions, as I have been given to "understand your son would succeed to "the promotion by purchase. Should that "be the case, if you will have the goodness to lodge the money in the hands of "Mr. Gilpin the agent, and give me the "earliest information, in order that the "business may be forwarded with as little "delay as possible, you will ever oblige, "Sir, &c. E. S. Long, capt. 48th Regt.'

"Gen. Tonyn, 118, Park-street, near "Hyde-Park, London."

Indorsed:

"Capt. Long.—48th regiment 15th May "1804, Rd. 23d May."

"All officers concerned have declined pur-"chasing."

(Inclosure 2.)

"Sir; I beg you will be pleased to obtain for "me, his majesty's permission to purchase "capt. Long's company in the 48th regi-"ment of foot.—In case his majesty shall "be graciously pleased to permit me to "purchase the same, I do declare and cer-"tify, upon the word and honour of an offi-"cer and a gentleman, that I will not, now, "or at any future time, give by any means "or in any shape whatever, directly or in-"directly, any more than the sum of 1,500*l.* "being the full value of the said commission "as the same is limited and fixed by his ma-"jesty's regulation. I have the honour to "be, &c. "E. W. Tonyn,

"Lt. 48th Regt."

"To the Colonel or Commanding

"Officer of 48th Regiment."

"I beg leave to recommend the above; "and I verily believe the established regu-"lation, in regard to price, is intended to "be strictly complied with; and that no "clandestine bargain subsists between the "parties concerned.—Pat. Tonyn,

"General and Colonel.

"30th May 1804."

The Inclosure is the Letter from the young man himself.

Did all the officers who were promoted at the time major Tonyn was promoted, receive their promotion into the new corps without purchase? Into the new corps, most certainly.

All the new captains those that were promoted into the augmentation of the army? Yes.

Did many of them appear in the same Gazette with major Tonyn? I have stated, that there were 53 field officers in the same Gazette, and I should imagine, without counting them, there could not be less than 200 officers altogether; the paper is now in my hand.

(By Mr. Yorke.)

At the time this great augmentation took place, and lists of officers were preparing in the office of the Commander in Chief, were those lists a secret, or was it in any one's power on referring to the clerks, to see those lists? I endeavour to keep those things as secret as I possibly can, but in so large a promotion, it is impossible for me to say the secret was exactly kept.

Previous to the gazetting of those commissions which have been alluded to, when the list was completed, or nearly completed, was it possible to keep the secret so far, as to prevent the contents of those lists being more or less known? I do not think it was.

(By Lord Folkestone.)

Give the Committee some account of the

purchase and sales of commissions in the army, the manner in which that business is transacted, and in whose hands the purchase money is lodged.—I have already stated to the house, and it is in evidence before the Committee, that the same rules apply to the promotion of officers by purchase, as without; but in order to ensure the greatest possible regularity, every regiment in the service is ordered to transmit a return quarterly, of the number of officers in each regiment disposed to purchase, and to mention in such return where the purchase money is to be had; those returns are entered in a book in the Commander in Chief's office, and in the event of a vacancy those returns are invariably referred to, and the officer senior upon the list, if in all respects eligible, is invariably recommended, provided it does not interfere with other officers of greater pretensions.

In whose hands is the purchase money deposited or lodged? Before a recommendation is submitted to his majesty for purchase, it is necessary that a paper should be sent to the Commander in Chief's office from the agent, stating that he is satisfied that the money will be forthcoming when the commission is gazetted. It is not necessary, and it is so gone forth to the army, as is stated in a paper upon the table of this Committee, that the officers are not called upon to lodge the money in the agents hands, but they are only called upon to notify to them, that it will be forthcoming on the promotion being gazetted.

Does any part of the money relating to the sale of commissions pass through the hands of the Commander in Chief, or has the Commander in Chief any controul over that money? None whatever.

Can you state from your knowledge of the business of the office, what is the average amount of the purchase and sale of commissions in the course of a year? The average amount, for the last three years, annually exceeds considerably 400,000*l.*

(*By Sir Arthur Wellesley.*)

Give the Committee some account of the origin of purchases and sales of commissions in the army, and the effect that they have upon the army? I believe that the origin of the purchase and sale of commissions arises pretty much as follows; In every other service in Europe it is understood that the head of the army has the power of granting pensions to the officers of the army, in proportion to their rank and services; no such power exists in the head of the army in this country; therefore, when an officer is arrived at the command of a regiment, and is, from long service, infirmity, or wounds, totally incapable of proceeding with that regiment upon service, it becomes necessary to place a more efficient officer in his stead. It is not possible for his majesty to increase the establishment of the army at his pleasure, by appointing two lieutenant-colonels where one only is fixed upon the establishment; nor is it consistent with justice to place an old officer upon the half-pay, or deprive him altogether of his commission; there is therefore, no alternative, but to allow him to retire, receiving a certain compensation for his former services; what that compensation should be, has been awarded upon due consideration, by a Board of General Officers, that sat, I think 40 or 50 years ago, somewhere about 1762 or 1763; they taking into consideration the rank, and the pay of each rank, awarded a certain sum that each officer, who was allowed to retire, should receive upon retiring: that sum is called "the regulation price of commissions." The bearing that this has upon the army, is a very extensive question, but there can be no doubt that it is extremely advantageous for those officers who cannot purchase. I cannot better illustrate it to the Committee, than by stating an example: We will suppose, of the first regiment the third captain cannot purchase; the first and second can: if those two officers could not purchase, it is very evident that the third captain would remain much longer third captain than if they were removed out of his way, by purchase in the great body of the army; and if no officer can be allowed to purchase, unless he is duly qualified for promotion without purchase, there cannot possibly be any objection to such regulation, nor can it be said that any unexperienced officer is appointed by purchase over the heads of others better qualified than himself, no officer being allowed to purchase, but such as is duly qualified by his majesty's regulations.

Upon the whole, you consider the present mode in which purchases and sales of commissions is limited, as advantageous to the service? As a matter of opinion I certainly do.

(*By Mr. Whitbread.*)

You have stated upon the former examinations, the manner in which the business is transacted at the D. of Y.'s office; in the course of your transacting business with the D. of Y., in regard to forming lists of commissions for the approbation of his majesty, do you ever remember the D. of Y. taking a paper-memorandum, or a list of officers out of his pocket, and putting it into your hand, with an intimation that that list was to be considered out of the usual course? I never recollect any such instance: I take this opportunity of stating, that since I have had the honour of serving h. r. h. the D. of Y., I have stated it often before, I never recollect any one solitary instance, in which the Commander in Chief has ever taken any paper out of his pocket and put into my hands, saying, 'this man must be an ensign, this a lieutenant, and this a captain;' but all recommendations have come regularly through their proper channel, and I do not think there is any one instance to the contrary.

(*By Mr. Huskisson.*)

In the first document you gave in, the former night, with respect to capt. Maling, there is marked in the printed paper, in italics, the initials *C. L.* with the words "agreed to;"

what is the meaning of those letters *C. L.*? My first assistant is col. Loraine, *C. L.* are the initials of his name, and "agreed to," is put, and it then passes into his hands, and is acted upon.

Is the entry marked with the initials *C. L.* the definitive entry with respect to any recommendation that comes before you? No, it is not.

If any alteration takes place afterwards, in what way is that noted? It is commonly noted in the same manner upon the same paper.

With the same initials? When the initials are once put, there is no occasion to put them again, the paper invariably passes through the same channel.

Is it usual when a recommendation is delayed in the office for want of sufficient information, but not definitely stopped, to mark that in the same way with these initials, *C. L.*? I commonly put a memorandum upon every paper that passes under my hands.

How would you mark a recommendation in that predicament? If the paper was to be considered, I should say so; "to be considered."

If further inquiries were to be made, what would you say? I should probably say "to be considered," or very probably, "cannot be acceded to." It is almost impossible for me to state the precise terms: I should adopt them according to circumstances.

Would you state "not to be acceded to," when it was not determined that the recommendation should not be acceded to, but only delayed, while further inquiries were making? If the paper was not to be acceded to, I should say, "not to be acceded to;" but it does not follow that though it was not acceded to then, it might not be in a month afterwards, or three weeks afterwards.

If the only reason for not acceding to the recommendation at that time, was the want of information, and that inquiries were making to obtain that information, would you mark "not acceded to?" I really might or might not; it seems to me, as I conceive it, a matter of perfect indifference.

How are the first commissions in the army commonly disposed of; the first commission that an officer receives? Invariably without purchase, unless for some special purpose.

Are those first commissions in the patronage of the Commander in Chief? Yes, they are, exclusively.

You have stated that officers purchased according to their seniority, unless there were superior pretensions; do you mean in junior officers; will you explain what you mean by that? Suppose there was a vacant company in a regiment, and a lieutenant in that regiment was willing to purchase, it does not quite follow that the Commander in Chief would permit that lieutenant to purchase, although he might be very eligible, because there might be other officers still more deserving than him in the army.

Do those circumstances in point of fact frequently happen? Continually.

Within these late years have not a vast number of commissions been given to the officers of the militia, both in Great Britain and Ireland? Yes; to a very considerable extent.

What is the practice of the Commander in Chief's office, when an application is made, by any gentleman either in Great Britain or Ireland, by memorial or otherwise, for a commission for his son or relation? It is the practice in the Commander in Chief's office to answer every paper that comes in, without exception. When any officer, or any gentleman makes an application for an ensigncy, that application is invariably answered, and the common answer is, 'that the name of the applicant is noted, and will be considered as favourable opportunities offer;' the name is then put down in a book, and the letter is put by.

Is it the practice in the Commander in Chief's office, particularly when applications come from Ireland, to refer those applications to the general officer commanding in the district from which they may have come? The applications from Ireland are not considered regular, unless they come through the officer commanding the forces there, or through the civil channel of the secretary of state.

Amongst the documents that you have given in, with respect to major Tonyn, is there a document similar to that just alluded to, indorsed *C. L.* "agreed to," or any thing of that kind?

[Col. Gordon referred to the document.]

"*C. L.*"

"State Captain Long's Services.

Ens. . . Liverpool Reg. . 2d Oct. 1795 Origl.
Lieut. . . . . . 65th . . . . 6th Jan. 1796 by P.
Lieut. . . . . . 18th Drag. 31st Jan. 1799 by Exe
Capt. . . . . 9th Mar. 1803 by P.
—— . . . . . 48th . . . 10th Sept. 1803 by Ex"

It amounts to the same thing; it is a slip of paper. This was the mode of transacting business by my predecessor: I generally do it upon the corner of the letter; I think it better, because this is liable to be lost, that would not.

Do you mean that commissions in new-raised regiments are always given away; or that ensigncies are always given away? The answer that I gave to the former question, I mean to stand exactly as it does; and I beg to explain, that there is no such thing as original commissions purchased; there are many ensigns commissions for sale, but they are private property, arising out of the explanation that I gave to a former question: for example, a captain sells his commission, that is, he sells his company; a lieutenant buys that company; an ensign buys that lieutenancy; both of which are the captain's property; the ensigncy then becomes vacant of course, by purchase.

In point of fact, was the application of general Tonyn, in regard to his second son, successful? I think it will be found on reference to the document, that the services of the second son of general Tonyn were not so long as those of the eldest son; and the general recommended the second son for purchase; and that he actually was promoted, I believe it will be found on reference to the dates, before the eldest son.

You have stated, that when this large promotion took place, in consequence of the augmentation of the army, you were directed by h. r. h. to lay before him a list of officers to be promoted into this augmentation, to be taken from the oldest officers of their respective ranks in the army; are you quite sure that the name of capt. Tonyn was included by you in the list you laid before the Commander in Chief, or was his name suggested as addition and alteration in that list by the Commander in Chief? I recollect perfectly well the circumstances of that levy; it was at a period of the Additional Force Act; and the names, upon the list which I submitted to the Commander in Chief, I really believe, were written, almost without exception, with my own hand. I had one assistant to assist me in making out the list; but I really believe, that the rough paper was actually written with my own hand.

Do you answer, that you are certain you included capt. Tonyn's name in the list you submitted to the Commander in Chief, as being one of the oldest officers in the army in that class for promotion? As certain as I can be of a thing that I could not possibly take my oath of.

To the best of your recollection? O, certainly.

If the name of capt. Tonyn had been introduced by the Commander in Chief, having been omitted by yourself, would not you have recollected that circumstance? Yes, I think I should; it is in evidence before the committee, on my first examination, I believe.

Do you not put a mark upon all papers, upon which any thing is done or to be done? It is my constant practice to make a mark upon every paper, without exception, that comes into that office: I mean to say that generally; many papers may escape me, but that is my general practice.

According to what is done, or to be done? What is to be done.

State whether the Commander in Chief has not been in the habit of attending to recommendations by colonels of regiments for ensigncies in their particular regiments, provided the gentlemen recommended were certified to be eligible and fit for service, and ready to join their regiments? Yes, certainly; but in giving my evidence before this house, I think it my duty to state, that the Commander in Chief does not consider that the patronage of the regiments in any manner whatever devolves upon the colonel. [The witness was directed to withdraw.

[The Chairman was directed to report progress, and ask leave to sit again.]

HOUSE OF COMMONS.

Monday, February 13.

[Conduct of the Duke of York.] The house, on the motion of Mr. Wardle, resolved itself into a Committee for further inquiry respecting the Conduct of the Duke of York. Mr. Wharton in the Chair.

Mr. ROWLAND MALTBY was called in, and examined.

(By the Chancellor of the Exchequer.)

Where do you live? At Fishmongers'-hall.

What is your profession? A Solicitor.

Are you acquainted with Mrs. Clarke? I am.

How long have you been acquainted with her? I think about July or August 1806. If you will give me leave, I will state the way in which I became acquainted with her: It was through the medium of Mr. Russell Manners, who was a member of the last Parliament; he married a sister of my wife's; he told me that he had been introduced to Mrs. C., who had professed an interest in him, and that she would endeavour to get a place for him through the means of the D. of Y., and he wished to introduce me to her. Under those circumstances I did not know how to refuse him, and I accordingly met her at his house. I believe I saw Mrs. C. perhaps five or six times in the course of that year; afterwards I did not see her again till a Court Martial for the trial of capt. Thompson.

In 1806, when you saw Mrs. C., what business did you transact with her; what passed between you and her on the occasion of your being introduced? No business, only a common acquaintaince.

Did you hear any more on the subject of the place she was to procure for Mr. Manners? I understood that she shewed Mr. Manners a letter stating that the Duke was inclined, or would comply with her request. I speak merely from memory, as it did not interest me.

Did you see that letter? I am not quite certain about it, whether I did or not, but I remember the contents.

Do you remember from whom that letter purported to be received? It purported, as Mr. Manners told me, for I am not certain whether I saw that letter, to come from the D. of York.

At what time of the year 1806 did you hear of or see that letter? I think it was very soon after I saw her, July or August, to the best of my recollection.

Did you hear from Mrs. C. at what time her connection with the D. of Y. broke off? No, I do not think she ever mentioned any thing on the subject to me. I was led to believe it continued, from what she said to me in conversation.

In July and August she still represented to you that her influence over the D. of Y. continued? I understood from her that the connection was not entirely broken off, that she occasionally saw the Duke.

Did you, in the course of 1806, hear from her any thing respecting the obtaining of any places for any body? Not to my recollection.

I understand you to have said, that from 1806 to 1808, you did not see any thing more of her? To the best of my recollection, not till the Court Martial in April.

Have you, since that time, had any communication with Mrs. C., upon the subject of obtaining places for any one? Yes.

When? I will explain: As a reason for my keeping up a connection with Mrs. C., Mr. Manners had a Regimental Account to settle as the son of gen. Manners, which was likely to be procured through the medium of the D. of Y.; it was necessary to have a board of general officers in order to settle that account; Mr. Manners was indebted to me for sums of money I had occasionally advanced him to accommodate him, and I had an assignment of this debt, which amounted to about 1,000*l.* or 1,200*l.* of Mr. Manners, for the purpose of repaying me; therefore I felt a little interested in getting the accounts settled, if I could. With respect to the question asked me, I had a communication with Mrs. C. respecting a Mr. Ludowick.

When? I think it was in Sept. last; the latter end of Aug. or Sept. to the best of my recollection.

What was the nature of the communication respecting Mr. Ludowick, and the circumstances of it? The circumstances were, that Mr. L. wished to have some place or appointment, and Mrs. C. asked me, I believe, whether I knew of any such place: I said, that I would make some inquiry; and I learnt that it was possible that the place of assistant commissary might be obtained: the consequence was, that money was deposited for that place, and I was led to believe that it might be effected; however it failed, and never took effect.

What is become of the money that was deposited, and in whose hands was it deposited? The money was deposited in the hands of Birch and Co. in Bond-street; the money is there now.

In whose name was it deposited? Part of it was deposited in the name, I think, of a Mr. Lloyd and a Mr. Barber; another part of it was deposited in my name, and in the name of Mr. Barber.

To whom was the money to be paid, in the event of the application for the place succeeding? There was 600*l.* deposited in the name of Messrs. Lloyd and Barber, I believe that would go into the hands of Mr. Lloyd; Mr. Barber was a friend of Mr Ludowick's, and the money was only to be taken out on the event of the appointment taking place; the other 157*l.* I think that was the sum, would have passed through my hands, and I should have paid it over to the person with whom I communicated.

With whom was it that you communicated? With an agent, who was accustomed to make inquiries of that kind; may I be excused naming him? . . . His name was Tyndale.

Where does Mr. Tyndale live? He lives in Symonds-buildings Chelsea, or Symonds-street.

Who is Mr. Lloyd? Mr. Lloyd I do not know; I believe he is an attorney.

How came Mr. Lloyd to be entitled to so large a share of this sum? I understood that the agent would have a handsome emolument from it, which was 157*l.*

But the 157*l.* was deposited in your name and Mr. Barber's? It was.

Then that 157*l.* was to go to the agent, Mr. Tyndale? Yes.

I now inquire as to the 600*l.*; who was to have the benefit of that? Mr. Lloyd would have received that, I presume; I do not know of my own knowledge.

You do not know what Mr. Lloyd was to do with it, whether he was to keep it? No; I had no communication with Mr. Lloyd, or any one, upon that subject.

Who introduced Mr. Ludowick to you? Mrs. C. mentioned Mr. Ludowick to me; I never saw him; I mean introduced by name, not personally.

Are you quite certain you never saw Mr. Ludowick? Never to my knowledge.

Did Mrs. C. tell you how she became acquainted with Mr. Ludowick? Upon recollection, I am not certain whether she said he was an acquaintance of hers, or an acquaintance of Mr. Barber's; but I understood from her conversation that she knew Mr. Ludowick, that she had seen him; she said, he was a very genteel man, and very fit for the place, very much of a gentleman, and a man of property.

Did she state where he lived? I think she said he lived in Essex.

Do you recollect what part? I am not certain whether she said Grays in Essex, that is only her relation; I think that she said Grays.

Is Mrs. C. acquainted with Mr. Tyndale? No.

Was she acquainted with Mr. Barber? Yes.

Was she acquainted with Mr. Lloyd? I do not think she is.

Who introduced Mr. Lloyd into this business? Mr. Tyndale.

Who introduced Mr. Tyndale into it? I introduced Mr. Tyndale into it, by making the inquiry.

What share was Mrs. C. to have in the benefit to be derived from procuring this place? Nothing.

Nothing at all? No, nothing.

What share were you to have for the procuring this place? Nothing, I did not mean to take any thing.

You and Mrs. C. only did it for your pleasure? Mr. Ludowick was a friend of Mrs. C.'s; and I wished to oblige Mrs. C. by introducing this thing, if I could.

How came Mrs. C. to apply to you to assist her in procuring this place? I believe from my calling upon her.

How came you to call upon her? I called upon her sometimes; she wrote to me, and I wished to keep up an acquaintance with her for the purpose of effecting the object of the account.

How came you to think that at this time Mrs. C. could help you in effectuating the object of the account? I did think so.

Through whom? From her; I thought that she still had an influence or some communication with the Duke.

Did she so represent herself to you? Yes.

At what time? She so represented herself to me when we were down at the Court Martial, and since that time.

At the time of the Court Martial, and since that time, she represented to you that she still had influence over the D. of Y. to procure things to be done? Yes, I understood that the connection was not entirely at an end, that she had still a connection or an interest with him.

Was this the first instance of your assisting her in procuring a place for her friend?—Yes, I think it was; I do not recollect any thing else.

Is there any other instance in which you have been so employed? Nothing effected at least.

This was not effected; was there any thing else in which an attempt was made? Yes, she asked me whether a paymastership could be procured for a friend of her's.

Who was that friend? It was a Mr. Williams.

Where does he live? I understood he lived in Devonshire.

Did you endeavour to procure that paymastership for Mr. Williams? I made inquiry, and understood that it might be effected; but nothing was done in it.

Of whom did you inquire? Of the same person.

Of Mr. Tyndale? Yes.

Through whom was Mr. Tyndale to procure this paymastership; did he tell you? No.

Was there any money deposited upon that occasion? Nothing.

Was there any other instance in which you were applied to by Mrs. C.? Yes, in the same way, but nothing done.

On whose behalf was that? That was Mr. Thompson, who was connected with her.

When was that? I think it was in August.

Was that before Mr. Williams's? Yes.

And before Mr. Ludowick's? Yes.

I thought you stated, that there had been no instance of your applying for any body before Mr. Ludowick; I misunderstood you, I suppose? Yes; I did not mean to say there was no instance of an application before; I mentioned that, as being the thing the most likely to be effected.

About what time was Mr. Williams's? I think that Mr. Williams's was during the same period that she mentioned it to me; I think about the time of Mr. Ludowick's.

Was any money deposited upon that occasion? No.

What office was he to obtain? He was to have a paymastership, as she represented to me.

What did Thompson want? To go into the militia.

Did you make any inquiries upon that? Yes, I did.

Of whom did you inquire upon that?—The same person, Mr. Tyndale.

Do you recollect the name of any other person for whom you were to make inquiries? I think there was a Mr. Lawson.

What office was he to obtain? He wished to obtain a place in the custom house, landwaiter.

Did you make any inquiries respecting him? Yes, I did; I made inquiries of the same person, but nothing was effected.

Was there any money deposited upon that occasion? None.

Did Mrs. C. recommend all these persons to you? Yes.

Is there any other person whom you can recollect? No, I do not immediately recollect any person besides.

I think you stated that there was no money deposited, except in the case of Ludowick; was there any agreement for the deposit or payment of money in the other cases, in the event of the application succeeding? In the event of the application succeeding in the case of Mr. Thompson, some remuneration was intended to be made.

What? I think it was about 250*l.*

For the Commission in the Militia? Yes.

Who was to have that 250*l.*? I do not know, I am sure.

Did not you negociate with Mr. Tyndale? I asked Mr. Tyndale about it, and he said he thought he could procure it.

For 250*l.*? Yes.

Was not it at all mentioned in that conversation, who was to have the benefit of the 250*l.* No, I did not ask any questions of Mr. Tyndale, I thought it indelicate to ask questions.

You were to have nothing for any of these transactions? No.

Nor Mrs. C.? Nor Mrs. C.; Mr. Thompson was her brother, I think.

In the other cases, of Mr. Lawson and Mr. Williams, was she to have nothing in those cases? I do not know that she was, I am pretty sure that she was not.

Are you serious in saying that she was to have nothing for those? Yes.

Do you know any person that she calls the duke of Portland in these transactions? No.

You never heard her say, that she dignified you by the name of 'her duke of Portland?' Never till I heard it by accident.

What accident led you to hear that? I was coming into the City one day, I met sir George Hill, with whom I have the honour of being acquainted, and he told me the circumstance.

Of her having mentioned it here? Yes, I did not hear of it before, and had no idea of the circumstance.

Was Ludowick recommended for any other

place besides that of Assistant Commissary? When that failed he wished to have a Paymastership in lieu of it, rather than give up the money; I understood that from Mrs. C., but it did not turn out to be the case.

How long is it since you have given up all hopes of succeeding for Mr. Ludowick? I believe a month or two.

How happens it that the money still remains in Mr. Birch's Bank? Because they have not asked to have it back again, I know of no other reason; they might have it back whenever they pleased; I told Mrs. C. some time ago, they had better take the money back, that there was not a likelihood of it being effected.

Did you ever acquaint Mr. Ludowick with that circumstance? I never spoke to him.

Had you any communication with Mr. Lloyd yourself? No.

Are you at all acquainted with Messrs. Coleman and Keyler? No, not at all.

Do you recollect the christian name of the Mr. Williams whom you spoke of? No, I do not.

Did you ever see him? Not to my knowledge.

Do you happen to know whether it is the same Mr. Williams who appeared in this house a few nights ago? I never saw that gentleman, but I have no reason to think so; because I understood he lived in Devonshire, and was a respectable man.

Do you know whether Mr. Tyndale was originally an Ensign in the 17th Foot, and afterwards a Cornet in the 17th Light Dragoons? I understood that he had been in the Army; but I do not know in what regiment.

(*By General Loftus.*)

Did you ever understand from any person that sir A. Wellesley's being engaged at Chelsea was the reason that this business of Ludowick's did not succeed? No; I understood from Mr. Tyndale, that the trial at Chelsea occupied the public attention so much, that it stood in the way of the appointment.

Then you never did hear from any of the parties sir A. Wellesley's name mentioned? No.

(*By Mr. R. Ward.*)

Up to what period did Mrs. C. represent herself to you as being possessed of influence with the D. of Y. sufficient to obtain places? I had reason, from conversations with her, to think that even to the eve of this enquiry, the Duke had not deserted her.

Is that mere supposition, or has she stated to you any thing positively upon that subject since May 1806? She has said those kind of things to me, that induced me to believe it, such as that the Duke was about providing for her upon a smaller establishment than formerly; and those kind of things which have induced me to think he had not deserted her.

(*By Mr. Bathurst.*)

Did you yourself suppose you had any influence with the D. of Y.? Not the least.

Then how do you account for Mrs. C.'s employing you to solicit favours, which you say, you understood she was able to obtain herself? I cannot account for that.

Did you ever represent to Mrs. C., that you had any influence with the duke of Portland? No.

(*By Mr. Whitbread.*)

With whom did you represent yourself to have any influence, so as to induce her to make those applications repeatedly to you? I did not represent myself as having influence with any person whatever.

With whom did you understand Tyndale to have any influence? I did not know; I did not ask him any questions.

Then the Committee are to understand, that you were a party to the deposit of money in the hands of third persons, for the purpose of procuring a place, without knowing through whose medium that place was to be procured? I did not know through whose medium it was to be procured.

Did you ever make application to Mrs. C. upon any other subject, except the liquidation of the debt supposed to be due to Mr. Manners? I do not recollect that I did.

When did you see sir George Hill? I saw sir G. Hill on Saturday, and I saw him yesterday morning.

What rank in the Militia was Mr. Thompson to obtain for 250*l.*? A Captain's commission.

In what regiment of Militia? I do not know the regiment.

Mr. Tyndale negociated the business? It was not negociated: I understood from Mr. Tyndale, that he could get it effected, but it was never negociated.

(*By Lord Folkestone.*)

Were you to receive any advantage from any of those transactions, if they had been carried into execution? No, I should not have received any thing.

What was your motive for undertaking such a negociation? It was to oblige Mrs. C. it was her relation.

Was the negociation respecting Mr. Ludowick to oblige Mrs. C.? Yes, he was a friend of her's.

Are you acquainted with Mr. Lloyd? No.

Did you ever write a letter to Mr. Lloyd? No, I do not recollect that I ever wrote to Mr. Lloyd; I did not know him; I do not think I could possibly write a letter to him; I am pretty certain I did not, because I had no communication with him whatever.

Are you quite certain you never wrote to Mr. Lloyd? I am certain in my own mind; I should be very much surprized to see a letter of mine to Mr. Lloyd.

Recollect whether you ever did or not write to Mr. Lloyd? I do not recollect that I ever did; I am confident, as far as my memory serves me, that I did not.

Are you certain that you never did? I am as certain of that as I can be of most things.

Did you ever see Mr. Ludowick? No.

Who first spoke to you of Mr. Ludowick? Mrs. Clarke.

What did Mrs. C. know of Mr. Ludowick? I do not know; she spoke to me as if he was a friend of her's, but I do not know what the acquaintance was between them.

You were to procure this situation for Mr. Ludowick? I was not to procure it; but I mentioned it to Mr. Tyndale, who thought he could effect it.

You were employed by Mrs. C. to mention Mr. Williams to Mr. Tyndale? Yes.

And Mr. Thompson? Not to mention him to him, but I mentioned them to him of my own accord.

She applied to you to procure those situations? Yes.

Did you represent yourself as able, by your own influence, to procure those situations? Not the least; I never had such an idea.

Did you ever tell her you were to apply to a third person to procure those situations? I do not know that I told her that distinctly; but I said I would enquire, to the best of my recollection, whether such a thing could be obtained.

You are certain of that? I am certain I never represented myself as having any interest to procure any place, not personally.

Are you certain you never told her that you were to apply to another person to procure those appointments? To the best of my recollection, I said I would make enquiry.

Did you ever name Tyndale to Mrs. C.? Never, I believe.

Who introduced Tyndale to you? I met Mr. Tyndale frequently at a place where I used to go.

Where was that? It was a Mr. Robins, in Bartlett's-buildings.

Who was Mr. Robins? He was a solicitor; I used to see him there when I called occasionally.

Did you ever see Mr. Barber? I saw Mr. Barber once.

Where? I called upon him.

Where? In Union-court.

About this business of Mr. Ludowick's? Yes, about this business, to offer to return him the money.

What was his answer? I think he said he would see Mr. Ludowick; he did not ask for the return of the money.

Do you know what connection subsists between Mr. Barber and Mr. Lloyd? No, I do not know that any connection subsists between them.

You never saw Mr. Lloyd? Not to my knowledge.

Do you recollect now having ever written to Mr. Lloyd? No, I do not.

Are those transactions with respect to Mr. Ludowick, Mr. Thompson, Mr. Williams, and Mr. Lawson, the only transactions of the sort in which you recollect to have been engaged? I do not recollect any others.

Recollect yourself.—There have been things mentioned, but nothing done.

Some others have been mentioned? Yes, I think there have.

What are those? I think a place of a clerk in the War-Office.

When was that? I believe it was about August, but I am not quite certain.

August last? Yes.

Had Mrs. C. any thing to do with that? Yes, I believe she asked me about it.

Did you undertake that, at the request of Mrs. C.? I made an enquiry.

Did you make an enquiry at the request of Mrs. C.? I think I did.

Was it or was it not at the request of Mrs. C., that you made that enquiry? I think it was.

Are you sure? I am pretty confident.

Be quite sure? I think so, that it was at her request.

Was it effected? No, it was not.

What were you to receive for that, supposing it had been effected? I should not have received any thing for that.

Was any body to have received any thing for that? Yes.

Who? I do not know who; it was never negociated.

In behalf of whom was the place to be procured? I do not recollect the name.

What sum was to be given in case it was obtained? I think about 3 or 400*l.*

To whom did you apply about that? Mr. Tyndale: I did not know any body else that was likely to effect this object.

Was it at Mrs. C.'s request that you undertook that? I think it was.

You do not recollect the name of the person? No.

Do you recollect any other transaction? No, I do not recollect any other.

There is this clerkship in the War-Office, this affair of Mr. Ludowick, this affair of Mr. Williams, this affair of Mr. Thompson, this affair of Mr. Lawson; do you recollect any other? No, I do not.

Are you quite sure there was no other transaction of the same sort? I do not recollect any other.

You do not know that there was not? No, I do not recollect any other.

You are not sure that there was no other? My memory may escape me, but I do not recollect any other.

What was the place which you negociated for Mr. Russell Manners, in the year 1806? I did not negociate any place for him.

Did not you endeavour to obtain a place for Mr. Russell Manners, through the medium of Mrs. C., in 1806? No.

What was your transaction with Mrs. C. in 1806? I had no transaction with Mrs. C. in 1806.

What was your acquaintance with her in 1806? It was through the medium of Mr. Manners, who married my wife's sister; I had no acquaintance with her previous to that period.

From 1806 to April 1808, your acquaintance with Mrs. C. dropped, did it not? Yes; I do not think I saw Mrs. C. from August or Sept. 1806 till the Court Martial in April 1808; I do not recollect that I did.

That Court Martial was held at Colchester? It was held at Weeley, near Colchester.

How soon after that Court Martial did you again see Mrs. C.? I do not recollect; I did not know where Mrs. C. lived.

Where did she live when you next saw her? If I recollect right, she lived in Holles-street; lodged there for a short period.

You do not know in what month that was? No, I cannot speak positively, but I think it was before she went to Bedford-place.

Did you go to her of your own accord, or did she send to you? She wrote me a note, to call upon her; I did not know where she lived.

She stated, I suppose, in her letter, where you were to call upon her? Yes.

What was the object of her desiring to see you? I do not recollect what she said; I think it was something relative to what passed at the Court Martial, but I do not recollect.

Was it not to obtain some place for Mrs. C., that she sent for you? No.

You are positive of that? Yes, I am pretty positive of it; I have not the least recollection of it.

When was it that the first of these transactions you have mentioned took place? I think in August.

That was a Clerkship in the War-office, was it not? No, I think it was about Mr. Thompson.

Was Mr. Thompson's the first transaction of the sort that took place after the Court Martial? I think it was; there was no great distance of time between all these things.

Was there no other transaction of this sort took place between the Court Martial and the affair of Mr. Thompson, besides those which you have enumerated? I do not recollect any.

Have you ever prosecuted any business of this sort with success? Never.

Never in your life? No.

And you engaged in these businesses out of pure good nature? I thought it would oblige Mrs. C., and I wished to accomplish the object I had in view, to have Mr. Manners's accounts liquidated.

How could you suppose, that by obliging Mrs. C. you could get Mr. Manners's accounts liquidated, when she had so little interest, that she was obliged to apply to you to accomplish these different businesses? Because she told me that she still had an interest with the D. of Y., and that she was in some degree under his protection.

Are you quite positive she told you that? I am quite satisfied that she told me that, or gave me to understand it; I had no reason to dispute it, from the tenor of her conversation to me more than once, as I mentioned before, that the D. of Y. kept her upon a smaller establishment, and I really believed she was under the protection of the D. of Y. or that he was about to re-establish her.

Did it ever occur to you to remark to her, that if she had that influence with the D. of Y., she was much more likely to prevail in such transactions than yourself? No, I never made that remark.

Where was it that she gave you to understand this, at Colchester? I think it was at Colchester, or going down to Colchester; it was about that time.

You do not now recollect any other transactions besides those you have mentioned? No, I do not call any to my memory.

You do not recollect ever having written to Mr. Lloyd? No, I do not.

How many interviews do you suppose you had at different times with Mr. Tyndale? Upon my word I cannot tell, I have no idea; I have been used to see him frequently.

A great many? Yes, I have frequently seen him.

Then do you mean to state, in point of fact, upon no one of those interviews you have ever, from your own curiosity, or any other motive, asked Mr. Tyndale through whose interest those appointments were to be procured? Upon one occasion, in the case of Ludowick I think it was, I asked Mr. Tyndale, pressing very much to have it effected, what channel do you suppose this comes through? he supposed that it might come through the Wellesley interest, I think he said; he did not mention any particular person.

That answer was given by Mr. Tyndale in respect to Mr. Ludowick's appointment? Yes.

Did you never hear Mr. Tyndale mention any other name in respect to the channel through which any other was to come? No, I did not ask him any question as to the channel, except upon that occasion, when I pressed so much to have it effected.

Mr. Ludowick's was the third application you made to Mr. Tyndale; do you mean to state that in the applications for Thompson and Williams, which were previous, you never heard through whose influence those were to be obtained? No, I did not ask him any questions.

Not till the third application? I do not say it was the third application, but not till that application.

(By Mr. Wallace.)

What led you to Mr. Tyndale? Being acquainted with him, and knowing that he was a kind of agent, and had information of that nature.

Had you any reason to know that Mr. Tyndale had the power of obtaining any offices? No, not personally.

Then do you mean to state that you applied to Mr. Tyndale in a great many instances, without knowing that there was any probability of his obtaining the offices he was employed to obtain? Yes, except from his own statement or representation, that he thought he could get them.

By what means did he state that he thought he could effect them? He did not state the means; I did not inquire into the channel; I do not know what communications he had, nor with whom he was connected.

Do you mean to state, that after you had applied to him repeatedly, and he had failed in obtaining those situations for which he was applied to, that you continued still to apply to him without hearing from him the means by which he was to obtain future situations? Yes; I did not know that he had any interest in himself to effect those objects.

Had you been in the habit of negociating, or have ever negociated for any situations of this kind, previous to your knowledge of Mrs. C.? No.

(By Sir James Hall.)

State whether Mrs. C. gave you any hopes that Mr. Russell Manners's object would be effected? I was about to state the purport of a letter, but it is not correctly evidence, which I do not know whether I have seen or not; but I remember the contents of it perfectly well, particularly one expression of the letter, purported to be written by the Duke, and it said that he would give Mr. Manners a place suitable to his name and family. I remember that expression, I think those were the very words; or, that would not disgrace his name and family; something to that purport. This communication was not made to me, it was made to Mr. Manners by Mrs. C., this letter that I speak of, and Mr. Manners communicated it to me.

Did Mr. Manners state to you that he had seen such a letter, or did he bring such a letter to you? I am sure that he stated such a letter to me, but I do not think I saw the letter.

Do you recollect at what time this passed? I think about the month of August 1806, as nearly as I can recollect, perhaps it might be July.

Did Mr. Manners state to you from whom he had the letter? To the best of my recollection it was a letter written by the Duke to Mrs. C., which she shewed to him. I do not know whether she enclosed the letter to Mr. Manners, whether he had the actual possession of it, or only saw it in her possession.

Did you see Mrs. C. afterwards, and have any conversation with her upon this letter? I do not recollect that I had; I saw her afterwards, but I do not recollect that I said any thing to her upon the subject.

When you saw her afterwards, had you any conversation with her upon Mr. Manners's business? I do not recollect that I had; for I generally saw her in the company of Mr. Manners.

When you saw her in company with Mr. Manners afterwards, did any conversation pass on Mr. Manners's business? No, I do not recollect that there was.

Not up to this hour? No; Mr. Manners has been abroad for a year and a half.

Have you conducted his affairs since he has been abroad? No; he has no affairs to conduct in fact.

Did Mrs. C. in your hearing or to you, say that she had mentioned Mr. Russell Manners's business to the D. of Y.? I do not recollect that she ever said that in my presence.

Did you ever hear her say any thing upon that subject? I do not recollect that I ever did; for I saw Mr. Manners so frequently that he communicated every thing to me. I do not think I ever spoke to her upon that subject.

Did any conversation pass between her and Mr. Manners upon the subject in your presence? I do not recollect any conversation.

Did you transact all this business for her gratuitously, or did you hope that this object would be effected, and that you should be remunerated in that way? I had no gratuity for it, but I hoped that I should get the account settled.

Have you expected that in the course of the last year? I have expected it; I remember speaking to Mrs. C. about it frequently, and not long ago. I think about a month.

You spoke to her upon the subject about a month ago? Yes.

Did she at that time give you hopes that it would be effected? She said, you may speak to me upon that about two months hence.

Did she say at all that she had mentioned the subject to h. r. h.? No, she never did.

Not at any other time? No; she seemed as if she wished to postpone that application; that I must speak to her about two months hence. That was about a month or six weeks ago.

Was it up to that late period of a month or six weeks ago you still supposed her to have influence with the D. of Y.? Yes, I still thought so to the eve of this inquiry, from her representations to me and her conversation.

Did you think so from her representations and conduct? Yes, from her representations.

(By Mr. Lyttleton.)

You have stated, that in one of those transactions the money was left at the house of Messrs. Birch and Co. have you any credit with that house? No, I have no account with that house.

They do not discount bills for you? No.

Do you happen to know whether Mrs. C. has any account with the house of Messrs. Birch, where this money was left? I do not know that she has.

Who proposed that the money should be deposited there? I think it was Mr. Tyndale; I am pretty confident it was.

Has it ever happened to you, in transactions of this nature, to have money deposited at a house where you have a credit? I never had any of this money deposited upon my own account: I do not know whether it is customary.

I do not ask as to money deposited on your own account, but money on account of persons concerned in such a negociation? I have no experience upon that subject, though I believe it is customary to deposit the money with the bankers to one of the parties, but I do not think Birch and Co. were bankers to any of the parties.

Has it ever happened to you in a negociation of this kind, that the money should be deposited at a banker's where you had a credit? No.

Was it Mrs. C. who made the proposition to you in the first affair you were concerned in, or you to Mrs. C.? I think Mrs C. asked me the question; I think she made the proposition.

What question did Mrs. C. ask you? I think it was about Thompson.

What was the question Mrs. C. put to you? That she wished to get a Commission for him, and inquired whether it could be effected.

Did the bankers allow any interest upon the sum deposited? I apprehend not; I take that for granted.

You are sure they did not allow four per cent.? I am pretty certain they did not.

Are you perfectly sure? I have had no communication with the bankers; I never heard that they did, and I rather think they did not, for the parties do not expect interest for their money, and I do not think that the bankers, upon those occasions, allow any interest generally; I never heard that they did.

Are you perfectly certain that you never did, in any former transactions, derive an advantage from the lodgment of money at Messrs. Birch and Co.'s? Yes; I am perfectly confident of it.

You have said, that you were not certain whether some conversation passed with Mrs. C. at the Court Martial, or going down to Colchester; did you go down to Colchester with Mrs. C.? I did. She called upon me; she said she was going to Colchester, and I was summoned very suddenly to the Court Martial; I had but an hour's notice; she said she was going down in a post-chaise; I said, then we may as well go together, and we accordingly did go down in a chaise together.

Did you not give evidence upon that Court Martial that you had not seen Mrs. C. either for some weeks or months preceding that trial? I think, to the best of my recollection, that I said I had not seen her from August 1806 till she called upon me.

Up to the period of your evidence? Up to the time when she called upon me.

Will you be perfectly clear in your recollection, whether you did not say that upon oath? I do not recollect that I did; I should wish to hear that part read if it is in court; I have no idea that I differed upon that occasion from what I state now. I am sure, upon both occasions, I state to the best of my recollection; I may be mistaken in these trivial circumstances which did not interest me; that I did not see her from August 1806 till she called upon me to go down to the Court Martial: I think I stated that.

Will you state positively that you did not upon that trial, on oath, state that you had not seen Mrs. C. for either weeks or months up to the period at which you gave your evidence? I do not recollect that; if I did it must be a mistake; I fancy I corrected it, if I stated that: but I must be misunderstood upon that occasion.

In any of the conversations you had with Mrs. C. or Mr. Tyndale on the subject of these transactions, was the D. of Y.'s name ever mentioned? Never.

You are sure it was not upon any occasion? I am certain it was not; nor the name of any other person except in the way I have mentioned.

(By Mr. Huskisson.)

You have stated, that about two months ago you informed Mrs. C. that there was no hope of getting a situation for Mr. Ludowick; what circumstance induced you to form that opinion, and to communicate to Mrs. C. that there was no hope of success for Mr. Ludowick? From Mr. Tyndale; he told me that he thought that he could not effect it.

Mr. Tyndale told you that he thought he could not effect it? Yes.

Did he give you any reason for his failure? I think he said, to the best of my recollection, that a new arrangement had taken place in that department, or something to that purport.

When did Mr. Tyndale tell you that the appointment was only delayed on account of the Inquiry at Chelsea respecting the Convention at Cintra? It was during that Inquiry or that Trial.

Then you were led to hope, pending the Board of Inquiry at Chelsea, the appointment would take place as soon as that was over? I thought so from what he said to me.

And two months ago you were informed by Mr. Tyndale that there was no chance of success, owing to a new arrangement? I think it was only about a month.

[The following Questions and Answers were read:]

> "In any conversations you had with Mrs. C. or Mr. Tyndale on the subject of these transactions, was the Duke of Portland's name ever mentioned? Never. You are sure it was not upon any occasion? I am certain it was not, nor the name of any other person, except in the way I have mentioned."

What do you mean by "except in the way you have mentioned?" That he said, that the place of Assistant Commissary he thought would be procured through the Wellesley interest, not mentioning any particular name.

Were you yourself acquainted with the handwriting of the letter which you stated to have been a letter from the D. of Y.? I do not recollect that I ever saw the letter.

(By Lord Folkestone.)

Were you ever engaged in any transaction about writerships or cadetships for India? No, I think; excepting once a person asked me about a cadetship.

Who was the person who asked you about a cadetship? Mr. Donovan.

You are acquainted with Mr. Donovan, are you? I have an acquaintance with him.

What did he ask you about a cadetship? He asked me whether it could be procured.

When was this? I think it was about six weeks ago.

What did you answer? I said, that I would inquire about it.

Did you inquire? Yes.

What was the result? That it might be procured was the result.

Of whom did you inquire? I inquired of this same gentleman.

And he told you it might be procured? Yes.

Was it procured? No.

How came it not to be procured, do you know? I do not know how it came not to be procured.

Tyndale told you he could not procure it? No, he said he could.

From whom did you learn that it could not be procured? I do not know that it cannot be procured. Nothing is done in it that I know of.

What suspended the negociation? I do not know exactly, but I fancy the party was not in town, or something of that kind.

What party? An acquaintance of Mr. Donovan's.

The party who wanted to procure it? Yes.

Is the business in suspence now? Is it in a train of proceeding now? I do not know.

How long is it since you have lost sight of this transaction? I believe perhaps a week.

Then a week ago you knew something of this transaction, did you? Yes.

What did you know of it then? Was it in a train of proceeding then? Yes.

Had the party come to town then? No, I believe not.

It was in the regular process, was it? Yes, I understood it might be effected.

From whom did you understand that? From Mr. Tyndale.

Do you expect, now, it will be effected? Upon my word, I do not know.

What was to be paid, if this transaction was brought to a successful conclusion? I do not know that any particular sum was mentioned upon that, unless it was 150*l.*

£.150 to be paid to whom? That I do not know. Mr. Tyndale, I suppose, would receive it, effecting the thing.

Mr. Tyndale would have 150*l.*? Yes.

What should you have? I should not have any thing. Mr. Donovan, I suppose, would have paid the money to me, and I should have paid it over to Mr. Tyndale.

Are you a lawyer? Yes.

Were you aware that this was an illegal transaction? No.

Are you aware of that now? No.

Was this the only occasion on which Mr. Donovan employed you to negociate a writership, or a cadetship to India? Yes.

Are you positive of that? Yes, I do not recollect any other.

Are you positive there was no other? Yes.

Quite positive? Yes.

How long have you been acquainted with Mr. Donovan? I do not exactly recollect, perhaps a year.

Try to recollect, as nearly as you can? I think it is about a year, not quite.

Do you manage Mr. Donovan's affairs? No.

Are you an agent of Mr. Donovan's in other matters besides this? No.

How long have you been an agent of his in these transactions? I am not an agent of his.

How long has Mr. Donovan consulted you, or courted your assistance in transactions of this sort? I do not know exactly; I have called upon Mr. Donovan occasionally upon other matters.

How often has Mr. Donovan talked to you upon matters of this kind? I cannot tell.

In how many instances has Mr. Donovan employed you in transactions of this sort? Only on that one.

Are you quite positive he has employed you upon no other? I do not recollect any other.

Upon what other transactions did you go to see Mr. Donovan? Mr. Donovan is intimate with lord Moira, and I have called upon him to know whether lord Moira's sister was arrived in England, because I expected a relation of mine would come over about the same time, or that I should have intelligence about her.

Come from where? From Vienna.

Do you know a person of the name of Gibson? No; what Gibson?

Do you know of a Mr. Gibson of Coventry-street? No.

Do you know a Mr. Gibson who was lately negociating for the place of Tide-waiter? No.

You never heard of him? No.

Mr. Donovan never named him to you? No.

Did Mr. Donovan introduce you to Mrs. C. at any time? No.

Did you never see Mrs. C. from the year 1806 till the time she called upon you to go with her to Colchester in April 1808? I do not recollect that I did.

Had you ever any intercourse with her by letter, during that period? Yes, I think I had letters from her before the Court Martial, about her brother, Mr. Thompson.

Was this upon the affair of the Court Martial? I believe that related to it.

Try to be certain what it was she wrote to you about? I really cannot recollect the contents of the letter, but I think it respected some Bills of Exchange, which came before the Court Martial, and there was some difficulty about them; she was afraid he would be arrested, I think; but I do not recollect the purport of the letter.

Had you no correspondence with her about matters of this sort? No, I do not recollect any communication of the sort.

Was it in consequence of that communication that she called upon you in the chaise as she went down? I recollect that she wrote to me a few days before, that she thought she should have occasion to desire me to attend at Colchester upon that business.

How many letters had you from Mrs. C. during the period between 1806 and 1808? I am sure I do not know.

All about this business of the Court Martial? No.

What were the other letters about? I do not recollect; nothing of any consequence, I believe. I do not think I heard from her for several months; those letters that I allude to, I think came from Hampstead; but the contents are so immaterial to me, that I do not call them to recollection.

They were not letters of business? No, I think not; I do not recollect the contents of them.

When did you last see Mr. Donovan? I think I saw him last Friday or Saturday; I rather think Friday.

Had you any conversation with him at that time about the Cadetship? No; I do not think I had.

Are you positive you had not? I do not recollect that I had.

Had you, or had you not, any conversation at that time with Mr. Donovan upon that subject? I do not recollect that I had.

You are not positive? I think I am positive.

You have stated, that it is customary in transactions of such a nature as those you have been speaking of, to deposit the money with the Banker of one of the parties; what do you mean by customary? I did not speak of my own knowledge, but I believe it is usual; I believe it is natural to deposit it with the Banker of one of the parties.

Then you do not know that it is the custom? No: but I rather take it for granted that it is customary to deposit the money with the Banker of one of the parties.

Refresh your memory, and inform the Committee whether you can now recollect any negociation of this sort besides the one of Mr. Ludowick's, the one of Mr. Williams', the one of Mr. Thompson's, the one of Mr. Lawson's, the one respecting the Clerkship in the War-office, and the one respecting the Cadetship? No; I do not recollect any.

What reason did Mrs. C. give you for wishing you to speak to her in two months respecting Mr. Russell Manners's affairs? She did not give any reason for it.

You have said that you are a solicitor by profession; you are paid for your trouble in transactions of business, are you not? Yes, in professional business.

How could you afford to transact so many intricate businesses quite gratuitously? I have done a great deal of business gratuitously in my profession.

(*By Sir James Hall.*)

You have said, that in negociating this business with Mr. Tyndale you had but little hopes of success given to you; did you represent the matters to the gentlemen who applied to you in the same light, or did you magnify their chance of success? I had no communication with those gentlemen, but only with Mrs. C.; I communicated to her.

(*By Mr. R. Ward.*)

Can you recollect any single circumstance, or any single expression of Mrs. C.'s, that could serve as a foundation for your suspicion that she had any influence with the D. of Y. as to granting places since 1806? I only collected, from her conversation, that she still had an interest with the D. of Y., but she said nothing about a power to grant places, or any thing of that sort.

Do you know of her offering to procure, or of her pretending to endeavour to procure, any place by her own influence with the Duke, during that period, from the latter end of 1806? I do not, from the latter end of 1806, recollect her saying any thing to that purport.

Would you have been anxious to oblige Mrs. C., if she had not given you reason to suppose that she still possessed influence with the Commander in Chief? No.

At what period did Mrs. C. represent to you that the D. of Y. was about to reinstate her upon a reduced establishment? I think that was about the time of going down to the Court Martial.

Mrs. MARY ANN CLARKE was called in, and examined.

(*By Lord Folkestone.*)

Have you any papers of Mr. Maltby's in your hand? Yes, I have.

[The witness delivered in some papers.]

State from whom you received those different papers? I received those from Mr. Maltby, and those two from Mr. Barber; there is Mr. Barber's name to one of them.

Do those you received from Mr. Maltby purport to be Mr. Maltby's hand-writing? Yes; his name is to two or three of them.

Do they all purport to be his hand-writing? Yes, they are all his hand-writing.

Did you ever see Mr. Maltby write? Yes, many times.

Do you know that they are his hand-writing? Yes.

You are positive of that fact? Yes.

Have you ever seen Mr. Barber write? Yes; this is only a sort of copy of how the money was to be lodged.

Is that in Mr. Barber's hand-writing? Yes, they are by the same hand, and his name is to one.

Have you any other letters which you wish to deliver in? Yes, I have.

From whom are they? Three of them are from col. M'Mahon to me; I have lost the others, I fancy.

Have you any other letters which you wish to deliver in?

[The witness was directed to withdraw.

Mr. *Croker* declared his opinion, that the Committee had nothing to do with the letters of col. M'Mahon. There was nothing before them to shew that such documents referred to the immediate object of the investigation, and therefore he considered it as an intrusion upon the very serious concerns of the country, to have the time of a Committee of the House of Commons taken up upon irrelevant subjects.

Col. *M'Mahon.* When the witness on the last night was at the bar, she promised to produce letters of mine, which she said would exhibit me in my proper colours. At that time, as at present, the bearings of my own mind were, that to whatever topic these letters referred, however unconnected with the object which the Committee were investigating, or however unexplained the circumstances under which they were written, still it was my decided wish that they should be produced. That opinion I now maintain, and therefore, with every deference for the sentiments of the hon. gent. must express my anxiety that the Committee should receive them; although unable to recollect at this moment their particular import, I am still satisfied that they cannot, in any sense, appertain to the object of the present inquiry.

The Witness was again called in, and examined.

(By Lord Folkestone.)

Have you any other letters which you wish to produce? To shew I did not tell a story about Dr. O'Meara, I have a Letter of Recommendation from the Archbishop of Tuam, not to me, but to the doctor himself.

Any thing more? Gen. Clavering, I fancy, informed the hon. gentlemen here, that he never had any thing to say to me upon military affairs; gen. Clavering being a distressed man, he was then a colonel, I spoke to the Duke respecting him; and had a great deal of difficulty, more so than as to any other man that I ever applied for, in getting any sort of employment for him.

Have you any papers relating to that matter? At last I prevailed upon the Duke to give him a District, and with it he made him a Brigadier General, entirely through my means. He afterwards asked me to get him a regiment; and, fearing they all might be given away before h. r. h. came to town, I wrote to him when he was reviewing along the coast; here is the letter which h. r. h. wrote to me, in which he mentions gen. Clavering's name. There is another from the Duke, in which he acknowledges about Dr. O'Meara, that he would serve him as soon as he could; it does not speak of the Archbishopric, it merely acknowledges that he knows such a man. And the other is from col. Shaw, when in the Downs, just before he sailed for the Cape of Good Hope, complaining of being put upon half pay.

Do you know that to be the writing of h. r. h. the D. of Y.? Yes, I do: but if not, Mr. Adam can speak to it.

Is that [another Letter] the hand writing of h. r. h.? Yes.

Have you seen the D. of Y. write? Yes, I have. This, addressed to George Farquhar, esq. is his usual hand-writing; whenever he addresses Mrs. Clarke, the outside is always in a fictitious hand. This is addresed, Mrs. Clarke to be left at the Post office at Worthing; the inside of both letters is his usual hand.

(By Mr. Beresford.)

How did you come by the letter of the Archbishop of Tuam? It was left amongst Dr. O'Meara's Papers, among his documents, by accident, and I did not destroy it, because I thought it might be of some future service to him; when I gave him his papers, this was left by accident.

(By Lord Folkestone.)

Do you recollect through what medium you received col. Shaw's letter, whether by post, or a private hand? I fancy it went to Coutts the bankers; I think he directed me to write to him always there under cover, and the clerks would take care of them; but I am not quite certain, I think it was brought to me by a private hand.

Do you know col. Shaw's hand so well, as to be able to speak to that being his hand-writing? Yes, I do.

You say that is col. Shaw's writing? Yes, it is.

Did you ever see Dr. O'Meara? Yes, very often indeed.

Who is Dr. O'Meara? He is an Irish gentleman, a clergyman, I do not know better how to describe him; he is very well known in Ireland.

Where was this letter, purporting to be a letter from the Archbishop of Tuam to him, found? Among my own papers; Dr. O'Meara has written me several letters for it, but I could not find it till about half a year ago.

Did Dr. O'Meara send you that letter? Yes, he did, he gave it to me with other documents.

How long since? It must have been very soon after it was written, I believe.

What time was that? I really do not like to date the letter.

How many years ago? It was while I lived in Gloucester-place.

How long ago is it since you lived in Gloucester-place? Since the yeır 1806.

Did Dr. O'Meara, upon sending that letter to you, direct any use to be made of it? Yes, to shew it to the D. of Y. with the other papers.

Was it about the time that the D. of Y. went to lord Chesterfield's christening that Dr. O'Meara gave it to you? No, I believe it was some time previous to that.

How long previous? I cannot say.

It was previous to that? He gave me documents, but I am not sure that was among them: but I am certain that I received it from his own hands. [The witness was directed to withdraw.]

[The following Papers were read: Letter from Mr. Maltby, dated July 28th—Saturday evening.—Friday afternoon.—May 20th—Wednesday afternoon, December 7th. Thursday, 5 in the afternoon.—A papaper beginning "The receipts to be taken," &c.—Receipts in pencil beginning, "Received of Mr. Blake," &c.—Letter from Mr. Barber.—Another form of receipt—Agreement, beginning, "I William Barber," &c.—A note from col. M'Mahon to Mrs. C., dated Monday morning—A letter from the same, dated Wednesday morning; and from the same dated Tuesday morning.—Letter from h. r. h. the D. of Y. to Mrs. C. dated August the 4th, 1805.—Letter from h. r. h. the D. of Y. to Mrs. C., dated August 24th 1804.]

"Friday Morn."

"Dear Madam; The Regiment for Mr. Williams is going to *India*; this is lucky; therefore, let him immediately provide the needful, and I will arrange in *what* way it is to be deposited. Have you written to him, as no time to be lost.

"As to the 2d Battaln. is the Gentleman here and prepared? Your's truly, R. M."

"Pray give me a *line* in ansr."

"Dear Madam, if you can *by any means* forward the adjustment of Mr. Manners's Account as to his Claims respecting the 26th Regt. whilst in Egypt, of which the late Gen. Manners was the Colonel, You will much oblige Dear Madam, Yours truly,

"July 28th. "R. Maltby."

"I don't know your true address—I called in Holles-street a few days ago, and found you were gone."

"Saturday Evg."

"My dear Madam;—I thank you very much for your kind attention—you would be quite a treasure *in every way* to any Secretary of State.

"I am as anxious as you can be, that there may be no disappointmt. in the Comssp.; and I am goading the Parties every day.

"You say nothing of the P——ship 2d Batn.; is the party ready?

"When do you leave B——— place?

"I am, Dear Madam, Your's truly,
"R. M."

"Dear Madam, if I have not the Letter of Recommendation immedly., and the money ready, I fear it will be lost. I understand the Regt. is *very respectable*, but I do not know the County yet.

"Remember the Paymastership.

"Your's truly, R. M."

Friday Aftn.

"May 20th."

"Dear Madam, Mr. M. I believe is not in this country, but far distant; so it will not answer to send your letter. Shall I enquire for the object you mention? a *Rank*, and *What* shall I propose for it?

"Do you know any one who wishes, on certain terms, a Paymastership in the E. Indies?

"I will enquire about the *other* matters.

"Your's truly, R. M."

"Dear Madam; I shall ascertain to-morrow every thing respecting the P. ship.

"Will any person you know like a place in the Bank, abot. 100*l.* per an.—I believe *another* P. ship of a first, and one of a 2d Battaln. may be had, and Militia Adjutancies. Dear Madam, Yours truly,
"R. M."

"Wedn. aftn. Dec. 7."

"Thursday, 5 aftn."

"Dear Madam; I have been in search of Mr. Barber, both in Bream's-buildings and the City, without success: I shall see him to-morrow at eleven, and I am *satisfied* I shall arrange with him, (I hope as he wishes.)

"In the *mean time*, as it is CERTAIN Mr. Williams may have what he wishes, I beg you will be so good as to send to Mr. Browne *instantly* to call on me, as it cannot be kept longer than a *day open*; and I think I can satisfy Mr. B. that there will be no *disappointmt.* Pray send to him *directly*. Your's very truly, R. M."

"The Receipts to be taken in the short form, as it is likely Coutts & Co. will not like to sign such a Special Receipt as that written by M. B. 630*l.* to be deposited at Messrs. Coutts and Co. in names of L. & B. & 157*l.* 10. at Messrs. Birch and Co. in the names of Blake and Wm. Barber—& to take a *similar* Receipt.

"It is *absolutely* necessary to make the *deposit* to-morrow, Friday, if not *already done*, as the Appointment otherwise will probably *fail.*"

Addressed: Mrs. Clarke,
14. Tavistock-place, Russel-square.

"Forms of Receipt."

This and the two following papers are written in pencil.

"Received Sept. 1808 of M. Blake, and the sum of three hundred and sixty-seven pounds ten shillings, to be repaid by us to the Bearer of this Receipt, upon producing the same indorsed by the said M. Blake, and
"(Signed) Birch & Co."

"I do hereby agree to indorse a certain Receipt, dated Sept. 1808, for 367*l.* 10. received of M. Blake and myself by Messrs. Birch, Chambers & Co. immediately on the Appointment of as a Clerk on the Establishment in the War-office.—Witness my hand, this day of Sept. 1808.'

"N. B. A similar Engagemt. to be signed as to 52*l.* 10*s.*"

"Received Sept. 1808 of & R. Maltby, the sum of 52*l.* 10*s.* to be repaid by us to the Bearer of this Receipt, upon producing the same indorsed by the said and R. Maltby.—(Signed) Birch & Co."

"Dear Madam; It is impossible for me to pay the Cash in this day, or even to-morrow, as it is in the Bank. Understanding from you that it would not be wanted for a fortnight, I hope the business will not be stopped for the want of this, for you may rest assured, honour is the order of the day in this transaction, and L. will come up directly and supply the Cash. I have made a little alteration in the blank Receipt and Agreement you sent me, but which I dare say will not be objected to by Lloyd & Co. Your's, &c.
"Tuesday." "Wm. Barber."

"Recd. Sept. 1808, of Lloyd, esq. and William Barber, the sum of £. to be repaid by us to the bearer of this Receipt, upon producing the same indorsed by the said Lloyd and Wm. Barber, or by the said Wm. Barber only, in case such Receipt, with the said joint Indorsement thereon, shall not be produced to us within two Months from the Date hereof. (Signed) Coutts & Co."

Agreemt.

"I Wm. Barber do hereby agree to indorse a certain Receipt, dated Sept. 1808, for received of John Lloyd, esq. and myself by Messrs. Coutts & Co. immediately on the appointment of J. K. Lodwick, esq. to the place of Assistant Commissary, appearing in the London Gazette, provided such Appointment takes place within two months from the date hereof. And I the said John Lloyd, do hereby agree, that in case the above-mentioned Appointment shall not appear in the London Gazette within the time above-mentioned, then that I the said J. Lloyd will indorse over such Receipt to the said Wm. Barber, to enable him to receive such above-mentioned sum from Messrs. Coutts & Co. so deposited in their hands. "Lloyd"
"B."

"Monday morng."

"Col. M'Mahon presents his best complipliments to Mrs. C. and had only yesterterday the pleasure to receive her note of Thursday last, for although he has returned to town for the season as his headquarters, he makes two or three days excursions from it as often as he can, and it was during one of those that Mrs. C.'s note arrived, otherwise it should not have so long remained unanswered. Col. M. will take the first forenoon he possibly can to wait on Mrs. C. in the course of this week."

Addressed: "Mrs. Clarke,"
"14, Bedford-place, Bloomsbury."

("Private.)" "Wednesday morng."

"I should be most happy to bring about your wishes, and render you any service with the D. of Y. but I have not been able to see him since I had the pleasure of seeing you, and I understand he goes to Windsor to-day, and stays till Friday, when I will try all in my power to seek an audience on your business, but am obliged to go out of town myself until that day. A thousand thanks for the loan of your seal, from which I have had an impression taken, in remembrance of your sprightly device.

"Ever yours,
"Mrs. Farquhar, "J. M."
"14, Bedford-place, Russel-square."

"August 4, 1805.

"How can I sufficiently express to My Sweetest, My Darling Love, the delight which her dear, her pretty letter gave me, or how much I feel all the kind things she says to me in it? Millions and millions of thanks for it, My Angel; and Be assured that my heart is fully sensible of your affection, and that upon it alone its whole happiness depends.

"I am, however, quite hurt that My Love did not go to the Lewes Races; how kind of her to think of me upon the occasion; but I trust that she knows me too well not to be convinced that I cannot bear the idea of adding to those sacrifices which I am but too sensible that she has made to me.

"News, My Angel cannot expect from me from hence; though the life led here, at least in the family I am in, is very hurrying, there is a sameness in it which affords little subject for a letter; except lord Chesterfield's family, there is not a single person except ourselves that I know.

"Last night we were at the Play, which
"went off better than the first night.

"Dr. O'Meara called upon me yesterday
"morning, and delivered me your letter;
"he wishes much to preach before Roy-
"alty, and if I can put him in the way of
"it I will.

"What a time it appears to me already,
"My Darling, since we parted; how impa-
"tiently I look forward to next Wednesday
"se'nnight!

"God bless you, my own Dear, Dear
"Love! I shall miss the Post if I add
"more; Oh believe me ever, to my last
"hour, Your's and Your's alone."

Addressed: "Mrs. Clarke, to be left at
"the Post-office, Worthing."
Indorsed: "Dr. O'Meara."

"Sandgate, Aug. 24, 1804.

"How can I sufficiently express to My Darling Love my thanks for her dear, dear letter, or the delight which the assurances of her love give me? Oh, My Angel! do me justice and be convinced that there never was a woman adored as you are. Every day, every hour convinces me more and more, that my whole happiness depends upon you alone. What a time it appears to be since we parted, and with what impatience do I look forward to the day after to-morrow: there are still however two whole nights before I shall clasp My Darling in my arms!

"How happy am I to learn that you are better; I still however will not give up my hopes of the cause of your feeling uncomfortable. Clavering is mistaken, My Angel, in thinking that any new regiments are to be raised; it is not intended, only second Battalions to the existing Corps; you had better, therefore, tell him so, and that you were sure that there would be no use in applying for him.

"Ten thousand thanks, My Love, for the handkerchiefs, which are delightful; and I need not, I trust, assure you of the pleasure I feel in wearing them, and thinking of the dear hands who made them for me.

"Nothing could be more satisfactory than the tour I have made, and the state in which I have found every thing. The whole of the day before yesterday was employed in visiting the Works at Dover; reviewing the Troops there, and examining the coast as far as this place. From Folkstone I had a very good view of those of the French Camp.

"Yesterday I first reviewed the Camp here, and afterwards the 14th Light Dragoons, who are certainly in very fine order; and from thence proceeded to Brabourne Lees, to see four regiments of Militia; which, altogether, took me up near thirteen hours. I am now setting off immediately to ride along the coast to Hastings, reviewing the different Corps as I pass, which will take me at least as long. Adieu, therefore, My Sweetest Dearest Love, till the day after to-morrow, and be assured that to my last hour I shall ever remain Yours and Yours alone.

Addressed, "George Farquhar, esq. No.
"18, Gloucester-place, Portman-square."
Folkestone.
79.
Indorsed: "Gen. Clavering, &c."

Mr. TIMOTHY DOCKERY was called in, and examined.

(By Mr. Wardle.)

Do you know any thing of the transaction relative to the purchase of a service of plate sent to Gloucester-place? Yes.

Relate what you know of that purchase: in the first place, what commenced it, and how it proceeded till the bargain was made conclusively.—Not being a partner in the house at the time the purchase was made, I know nothing at all of the circumstance.

State in what character you were in the house at the time the purchase was made? As a servant.

What was your employment in the house? A journeyman.

What was the particular business you transacted in that house? The superintendance partly of it.

Do you recollect any particulars respecting the bargain about the plate, to your own knowledge? Nothing further than what was mentioned by Mr. Birkett.

Do you mean to state, that neither the D. of Y. nor Mrs. C. did in your presence examine and treat about that plate? Certainly not.

State what you heard the D. of Y. and Mrs. C. say, when they were bargaining for that plate.—The bargain concerning that plate was not made in my presence.

Then you do mean to state, that you never did hear any bargain about it? Certainly.

The witness was directed to withdraw.

The *Attorney General* objected to the question, as contrary to every principle of evidence he had ever heard recognized by any tribunal.

Lord *Temple* conceived, that as Birkett was dead, the present witness was the best possible testimony that could be produced to that particular fact.

Mr. *Leycester* admitted the latitude of the House of Commons in its inquisitorial character, to a certain extent, but at the same time considered the question proposed by the hon. gent. as repugnant to all laws of evidence.

Mr. *Wardle*. As the Attorney General has thought proper, after the line and course of examination which he has followed on the subject, in the presence of this house, and in the face of the country, to object to this question, I will certainly not continue to press it, but shall leave to the Committee the power of arriving at the answer by the best means it can devise.

Mr. *Whitbread* contended, that the Committee were not fettered by settled forms or principles of evidence, as was the case in the courts below. If once such a limit was imposed upon the investigations of the House of Commons, there was an end to the inquisitorial power of parliament.

Mr. *Fuller* believed that nothing but party principle, prejudice and misconception, could induce men to deviate from the usages of those tribunals where justice was best administered.

The Witness was again called in and examined.

(By Mr. Wardle.)

You have stated, that you were the acting man in the house of Birkett? Not during the time that the purchase of plate was made by Mrs. Clarke.

What situation did you hold in the house? That of journeyman.

Is it within your own knowledge that the plate was purchased from Messrs. Birkett? Certainly.

Do you know the price that was agreed to be given for that plate? The books which have already been produced will shew that.

Do you of your own knowledge know the price that was to be paid for that plate? By referring to the books.

Do you of your own knowledge know the price that was to be paid for that plate, without referring to the books? Certainly not.

Then you do not of your own knowledge know the sum that was to have been paid for that plate? By referring to the books I shall be able to judge.

Then you do not of your own knowledge know the sum that was to have been paid for that plate? I do not immediately recollect the specific sum that was paid for it, but if I may be allowed to look at the books I will state it.

Do you know to whom that specific service of plate belonged, before it was sent to Gloucester-place? Yes.

To whom did it belong? The Duke de Berri.

Do you of your own knowledge know that any part of that plate was sent up to Gloucester-place, for the inspection of the D. of Y. and Mrs. Clarke? Not to my recollection.

Do you recollect either the D. of Y. or Mrs. C. being at Messrs. Birketts, and examining the plate in their shop? No.

Do you recollect any thing with regard to the payment for that plate? Yes.

State what you do recollect with regard to the payment for it.—500*l.* was paid at the time the plate was delivered, and the remainder was settled by bills at different dates.

State by whom the 500*l.* was paid in the first instance.—The 500*l.* was not paid to myself, but it was paid, I believe, to Mr. Birkett, as well as I can recollect.

Do you know by whom it was paid? I do not.

Do you know how it was paid, whether in cash, in bank notes, or how? In two notes, one of three, and the other of two hundred pounds.

Do you recollect by whom those bills were drawn, by which the remainder was paid? To the best of my recollection, they were drawn by Mrs. Clarke.

Upon whom were they drawn? The D. of Y.

Do you of your own knowledge know that those bills were afterwards paid by the Duke of York? Certainly I do.

Did you yourself offer those bills to the Duke of York for payment? I did.

Did you see the Duke of York at the time you offered them? Yes.

Do you recollect what conversation passed between the D of Y. and yourself, at the time you offered those bills for payment? No, I do not.

Do you recollect the D. of Y. ever speaking to you at all respecting the service of plate? No, I do not.

How did the D. of Y. settle those bills? By his own drafts upon Coutts.

Do you mean to state, that the whole amount due for the service of plate, over and above the 500*l.*, which you state to have been before paid at the time, was then paid by the Duke of York upon those bills? Certainly.

Is there any body residing at Mr. Birkett's that was in the situation you now hold, at the time the bargain was made for the plate? No.

Do you know where the person is who held the situation which you now hold, and who was he? The person who held that situation is dead.

What was his name? Thomas Walker.

[Mr. Parker produced Mr. Birkett's book; and the account given in on the 9th instant was shewn to the Witness.]

(To Mr. Dockery.) Refer to that account, and state whether it is the account to which you have alluded? Certainly.

Are those the notes, to the best of your knowledge, for which you received payment from h. r. h. the D. of Y.? The notes that are entered here were the notes received of h. r. h. the Duke of York.

On account of that plate? Yes.

State the amount of the whole.—£.1,821, 11*s.* 4*d.*, that includes the 500*l.*

[The Witness was directed to withdraw.

Mrs. ALICE HOVENDEN was called in, and examined.

(By Mr. Wardle.)

Do you know Mrs. Clarke? Yes.

Do you know col. Shaw? I never saw him but once.

State what passed at that interview.—I had been some time negociating with Mrs. C. for an exchange for major Shaw, and he begged to know the principal; I said it was Mrs. Clarke, and I particularly requested that he would not mention to Mrs. C. that Mr. Donovan knew any thing of the matter.

Relate what passed at that only interview you had with col. Shaw.—That was all that passed, except giving him a card or a note, I forget which, to Mrs. C., merely saying that was major Shaw.

What was your reason for wishing Mr. Donovan's name to be kept a secret? Mrs. C. said she was afraid that Mr. Donovan would mention to the D. of Y. any thing of the business, which would be her ruin.

When was it that Mrs. C. expressed that fear to you respecting your telling major Shaw of Mr. Donovan? The first day I ever saw her.

This was before you mentioned col. Shaw to Mrs. Clarke? Yes.

Did you ever mention col. Shaw to Mrs. C. till after the interview you had with col. Shaw? I saw col. Shaw but once, and never saw Mrs. Clarke but twice since.

Did you ever mention col. Shaw to Mrs. C. till after the interview you had with col. Shaw? I had mentioned col. Shaw to Mrs. C. a long time before I saw col. Shaw, nearly three months.

In what way had you mentioned col. Shaw to Mrs. C.? As a gentleman who wanted a lieutenant colonelcy from his majority; he was a major, and he wanted to get a lieutenant colonelcy.

How did you know that col. Shaw wanted to get a lieutenant colonelcy? After I had seen Mrs. C., I mentioned to Mr. Donovan, a gentleman I had known for many years, that I had got some very great interest, and that if he knew any person that wanted any thing in the army line, I thought I could get it; I refused to tell him where it was, or from whom.

Was it Mr. Donovan who mentioned col. Shaw to you? Yes.

What did Mr. Donovan state to you of col. Shaw, when he mentioned him to you? He said that he had very great recommendations, and had, I think it was, general Burrard's interest.

What further did Mr. Donovan say of col. Shaw to you? He said he would give 700*l.*, I think is was 700*l.*, for a lieutenant colonelcy.

Did Mr. Donovan tell you any thing further respecting col. Shaw? Not at that time.

Where did this conversation pass you have now alluded to? I think it was in Charles-street.

In consequence of this, did you apply to Mrs. C. to get major Shaw a lieut. colonelcy? Yes.

Were you to have had any part of that sum of money which you have mentioned, provided the lieut. colonelcy was obtained? No.

What was done in consequence of your application to Mrs. C.? Nothing at all.

Did the business break off, or did it die away? On the night of the day on which I sent the note to Mrs. C., I received a note from her, inclosing me major Shaw's security for the sum, saying she was sorry she could do nothing for major Shaw: previous to this, Mrs. C. sent for me to describe the person of major Shaw, his connections, and his interest, without which, she said, she could not mention the affair to h. r. h.: I could not then describe his person; I said his interest was gen. Burrard's, and he had lately met with some very great family misfortune; I believe his brother drowned, or something of that kind. Mrs. C. answered, that will do, I shall tell h. r. h. that I do it in compliance with the request of a very old friend, and in compassion for his present calamity; let him get two months leave of absence through some general officer, during which period I shall try and work upon the feelings of h. r. h. to accomplish my purpose, without his suspecting the cause.

It was after this you sought an interview with col. Shaw? Yes.

For what purpose did you seek that interview? It was col. Shaw sought it.

Did you then relate to col. Shaw what had passed between you and Mrs. C.? I do not think I did.

Was the matter broken off by any particular circumstance, or did it die away? I know no circumstance, except a note which Mrs. C. sent me.

Do you recollect your ever speaking of col. Shaw as having broken his word with you? He certainly broke his word with regard to telling Mrs. C. Mr. Donovan knew the circumstance.

Did you ever complain of his having broken his word, in not having made you a present? Never, because he did.

What present did col. Shaw make you? When I returned col. Shaw his papers and the security, he sent his compliments, and was sorry for the trouble he had given me, and enclosed me 10*l.*

Do you know any thing of a second application of col. Shaw's to Mrs. C.? I certainly do not.

Do you recollect the date of the transaction which you have been speaking of? The first time I ever saw Mrs. C. was in Dec. 1804.

Had you ever more than one conversation with Mr. Donovan upon this subject? I cannot recollect, I have been in the habit of visiting Mr. Donovan and seeing him frequently, and what conversation has passed I am sure I cannot say.

State the date of the transaction you are speaking of.—It was, I think, from Dec. 1804 to April 1805, as near as I can guess.

Do you of your own knowledge know any thing further of col. Shaw and Mr. Donovan, in that transaction? I do not.

Were you in the habit of corresponding with col. Shaw? I think I must have written letters to him frequently; it was a long period, and he was very uneasy, he was kept in great suspense.

State whether you have any of col. Shaw's letters? I returned the whole of col. Shaw's letters.

To whom? To the best of my knowledge, through Mr. Donovan.

At what period did you return those letters? I believe it was two or three days after he had seen Mrs. C.

How came you to return those letters to Mr. Donovan? He said that major Shaw wished to have done entirely with the business, as he was convinced Mrs. C. could do nothing.

Then you do not know any thing further respecting the transaction which took place afterwards between Mrs. C. and col. Shaw? I do not.

(By Mr. Denis Browne.)

Do you know personally or by repute a Miss Taylor, who appeared as an evidence at the bar of this house? I have seen Miss Taylor, she came to my house one day with her brother, capt. Taylor.

What do you know of the character or repute of Miss Taylor? It is very hard to speak from hearsay: of my own knowledge I know nothing.

From what passed in the transaction between yourself and Mrs. C., do you believe that there could have been any subsequent negotiation between Mrs. C. and col. Shaw? I do not think Mrs. C. ever heard of major Shaw afterwards.

Did you ever tell any person, and if so, when, that Miss Taylor was a person of bad repute? I certainly did say that I did not return Miss Taylor's visit, as I had heard something unpleasant.

What was the unpleasant circumstance that you had heard of Miss Taylor, that prevented your returning that visit? It was hearsay; and I should suppose I am not obliged to tell what I have heard, I know nothing myself.

From your knowledge of Miss Taylor, would you believe her evidence?

[The Witness was directed to withdraw.]

Mr. *Fuller* proposed to ask the witness, if she had a female child would she place her under Miss Taylor's care? This was objected to.

General *Loftus* proposed asking the witness, would she, of her own knowledge, believe Miss Taylor's evidence?

Mr. *Perceval* and the *Attorney General* thought the question perfectly fair.

Sir S. *Romilly* thought if such a question were put, without accompanying it with explanatory inquiries as to the nature of the facts from which the opinion proceeded, or of the opportunity the witness had of judging of the conduct or character of the person referred to, justice was not done; and witnesses coming to be examined before the house must be placed in a very unpleasant situation.

Mr. *Whitbread*, from what he had seen of the two ladies, would be more inclined to ask Miss Taylor her opinion of Mrs. Hovenden.

[The Witness was again called in, and the question proposed.]

I declare I do not see how I can answer such a question as that, it is merely matter of opinion, I cannot answer it.

(By Sir James Graham.)

Where do you live? In Villiers-street, No. 29.

How long have you lived there? I believe not quite three months.

Where have you generally lived? Where I lived before, that was in South Molton-street.

How long have you lived in South Molton-street? Upon my word I cannot recollect.

Cannot you recollect how long you have lived in a street? I went to it at two different periods.

How long have you generally lived in any one street? I had a house in Panton-square.

How long? Two years and a half.

When did you leave it? In 1805, I believe in June.

Did you live there when you visited Mrs. C.? I never visited Mrs. C.

Did she visit you when you lived there? No.

Where, then, did you see Mrs. C.? I went to Mrs. C. on business.

Have you before stated all the business that you went to her upon? No.

Then state what other business.—Pardon me; what other business I had with Mrs. C. was for Commissions for other gentlemen, whose names have not been mentioned, for whom she never did any thing.

Did you ever send the names of those other gentlemen to Mrs. C. or communicate them? I never sent them to her, I took them to her.

You delivered them into her own hands? Yes.

Then state the names of all those gentlemen; how many were there? I do not really recollect that.

State their names.—I said before, I could not do that.

Endeavour to recollect, and state their names.—It is not for want of memory, or want of respect to the house, but I cannot name them.

[The Chairman informed the witness that it was the sense of the Committee, after discussion, that she should enumerate the names of the persons to whom she had referred.]

I cannot mention their names.

You have stated that it is not from want of memory, therefore endeavour to recollect as many of the names as you can.—It is because I think it would be a very dishonourable act in me to discover the names of gentlemen who have never been brought forward, and never profited by any one act I did.

[The Chairman stated to the witness, that the house was armed with power to compel her to answer, and to inflict a very severe censure upon her if she did not answer the questions, which it was the opinion of the house should be answered.]

(By the Chancellor of the Exchequer.)

Had you authority from those persons to whom you referred, to give their names to Mrs. C.? I cannot recollect that, I declare.

Did you ever carry the names of any persons to Mrs. C. without their authority? I do not know whether I did not, I am sure.

State positively whether you did or did not? Indeed my memory does not help me out.

State the names.—I cannot.

[The witness was directed to withdraw.]

Mr. Secretary *Canning* suggested, that the question might be so framed, as to bring out the fact without disclosing the names of the persons. It was possible the witness might have been applied to as a broker, without reference to either Mrs. C. or the D. of York.

Sir *G. Warrender* said, it appeared, that the witness was one of Donovan's agents; and the committee would recollect, that it was stated, by a former evidence, that he had given in a long list of persons who were candidates for promotion to Mrs. C.

The *Chancellor of the Exchequer* agreed, that if it could be proved the names had been submitted to the D. of Y. it would be proper to inquire into the circumstance.

Mr. *Huskisson* observed, that previous to the D. of Y.'s letter, nothing was more common than for officers to purchase and exchange commissions through the medium of brokers.

General *Fitzpatrick* confirmed this statement, and said, a clause was introduced in the Mutiny Bill, for the special purpose of putting an end to such practices.

General *Stewart* said, it would be very unfair to the army, to have the names of officers mentioned, by persons without character, and particularly as they would have no opportunity of contradicting them.

General *Mathew* observed, that there was hardly an officer in the army, previous to 1805, who had not been guilty of this practice.

Mr. *S. Stanhope* objected to the question. It must necessarily implicate so many persons, that the committee would not be able to finish the inquiry in the course of the session

General *Mathew* declared he would take the sense of the committee on the question, if persevered in.

[The witness was again called in, and informed by the Chairman, that it was the opinion of the committee that she must answer the question put to her, and that the house had power to inflict very heavy punishments, and never more severely exerted that power, than in the case of Witnesses who conducted themselves in the contumelious manner she had done.]

(By Sir James Graham.)

State the names of the persons you carried to Mrs. C.—I did not mean it the smallest contempt to the house, quite the reverse; and to convince you that I feel a respect for this house, and not from fear, I will state the names: one is Johnson and another is Williamson.

Are there any other names? I do not recollect.

Endeavour to recollect.—I cannot.

You said there was several names, or a long list of names? I do not think I said that, I said there were some.

Did you never deliver the names of any other gentlemen but Johnson and Williamson? I do not recollect any other: I think I had others, but I do not recollect their names.

You did deliver others? I recollect those, because they are my own acquaintances.

What are their Christian names? They are, George Johnson and William Williamson.

Where do they live? I cannot tell you that, it is now three years ago.

Where did they live then? Upon my word I do not know where their lodgings were.

You have said that they were acquaintances of yours? I am sure I cannot tell where they lived, I did not ask the gentlemen their residence.

You stated they were acquaintances? Yes.

Do you now state that you did not know where your acquaintances lived? They had not long arrived from Ireland.

Were they in the army? They never were, nor to my knowledge have not been in it yet; they were three months trying to get in, through Mrs. C. and could not.

Did you deliver any other list to Mrs. C. but those two names? I never delivered a list to Mrs. C.

Did you ever deliver any other name to Mrs. C.? I cannot recollect any other name I delivered.

Are you a married woman? I am a widow.

How long have you been a widow? Nearly six years.

How long did you live in South Molton-street? At two different periods, I suppose about a year and a half, but not altogether.

Were you in a house or in lodgings? I was in lodgings.

Did you ever apply to Mrs. C. to procure leave of absence for any officers? I never did, to my recollection.

Not for major Shaw? She told me she could not get leave of absence for him; I was to tell him to get it through general Burrard.

Then you did apply for major Shaw? I sent word to major Shaw, that he must get two months leave of absence.

Did you apply to Mrs. C. to procure that leave of absence? I did not; she applied to me to beg major Shaw would get two months leave of absence, that during that time she might have time to work on the good nature of the D. of Y. for fear he might suspect there was any thing improper in the transaction.

(By Lord Milton.)

What answer did Mrs. C. give you, when you carried those two names you have stated to the committee you carried to Mrs. C.? She said she would try, but must be very careful to have time, for fear there might be the smallest suspicion that it was a money transaction, as that would ruin her.

Did she express any desire that it should be particularly concealed from the D. of Y.? She certainly did.

(By Lord Folkestone.)

You live in Villiers-street, do you not? Yes.

Are you in a house there, or in lodgings? In lodgings.

What is the name of the person to whom the house belongs? Adair.

Are there any other lodgers in the house besides yourself? I believe there are.

Is the Adair who keeps the house a man or a woman? A woman.

How long have you known Mr. Donovan? Eighteen years, I believe.

When did you last see Mr. Donovan? This moment.

When did you last see him, before you came to this house? Yesterday.

Are you in the habit of seeing him pretty constantly? Constantly.

Have you any knowledge of any transaction in which Mr. Donovan is engaged? None, but that in which I was concerned myself, namely, major Shaw's.

Is that the only one of transactions of that nature of which you have any knowledge? I do not recollect any other whatever.

Had Mr. Donovan any concern in that list of names which you state yourself to have given to Mrs. C.? No.

Did Mr. D. at that time carry on any traffic of the same sort? I know nothing about any thing Mr. D. does, only what concerned myself.

When you went to Mrs. C., was it of your own accord, or were you sent by Mr. D.? I went of my own accord, without any introduction whatever, and Mr. D. never knew that I knew Mrs. C. till 3 months afterwards, and till the business of major Shaw was finished.

When was that? In April 1805 I think; I cannot be very certain as to the month, but I think it was April.

Was Mr. Donovan acquainted with Mrs. C.? Not to my knowledge, and I believe not.

Were you often at Mrs. C.'s in Gloucester-place? I cannot say how often.

Were you in the habit of going there frequently? No, not very frequently.

How often do you suppose you have been there? Latterly, major Shaw got very impatient, and I went five or six times, I think, in the last month.

Did you ever go there on any business but that of major Shaw's? I stated before, that I went on other business, and I have stated the business.

Any other business besides that of major Shaw and that of Johnson and Williamson? I do not recollect the other names.

Did you ever go upon any other business but those two occasions? No, I do not recollect any other.

I understood you to state, these names of Johnson and Williamson were given up to Mrs. C. at the time, with a great number of others? I have not said a great number.

With other names, were this affair of major Shaw's, and that in which Johnson and Williamson were concerned, the only occasions on which you went to Mrs. C.'s? I never went to Mrs. C.'s on any other business but that, till major Shaw's business was finished, and the papers returned.

Were you well acquainted with the house Mrs. C. inhabited in Gloucester-place? Certainly not.

Into what room did you use to go? Her bed-room.

Were you ever in any other room? Yes, the front parlour and the drawing-room, and the bed-room.

There was very handsome furniture in that house? Very.

Very magnificent? It was very genteelly furnished.

You have seen all those rooms, and have only been there two or three times; do you adhere to that statement? I recollect stating that I was there six times within the last month.

How long have you been acquainted with Mrs. C.? December 1804, I think.

The beginning of your acquaintance was in 1804? Yes.

On the occasion of Mr. Shaw? I went before I went on the business of Mr. Shaw, I went without any introduction whatever.

On what business did you go? I was told she had commissions to dispose of, and without any introduction I went to her and asked her.

Why was your being told she had commissions to dispose of the reason of your going there, did you wish to procure commissions? I did at that time.

For whom? I do not know that I had any particular person in view at that time.

You were in the habit of procuring commissions? No, I was not in the habit, that was the first time I went.

Then you did go to Mrs. C. upon this business of procuring commissions, besides the times you went about major Shaw and Johnson and Williamson? The first time I went to Mrs. C., I told her I came to know if she had any commissions to dispose of.

Was that mere curiosity in you? No, it was not.

What, then, was your motive for making that inquiry? At that period I had met with a very heavy misfortune; my agent in the West Indies died, and a house in London broke, and I was very much embarrassed.

What mode did you adopt to ease your embarrassments? I had hopes that would, I did not conceive it improper.

You sold commissions? I never sold one.

You negociated the sale of them? I treated, but it did not succeed.

Were all the communications you had with Mrs. C. verbal; did you ever correspond with her? I often wrote to her.

You had frequently letters from Mrs. C.? I had.

What was the latest period you ever received letters from Mrs. C.? I made it a rule, whenever I received a letter from Mrs. C. the next time I saw her, to return her her letters.

What is the latest period at which you received letters from Mrs. C.? I believe that one in which she inclosed me major Shaw's security; I believe that was the last, I do not recollect any other since.

Have you never received any letter from Mrs. C. within these few months? No, I have not.

And you never kept by you any of the letters you received from Mrs. C.? I have not one of them.

When did you part with them? I made it a rule, whenever I went to see Mrs. C., to bring the letter I had received the day before, and to give them to her.

Was that an invariable rule? To the best of my knowledge.

You have stated in your evidence very lately, that you have been frequently in Mrs. C.'s house in Gloucester-place, and that you have seen her in her bed-room and drawing-room, and several places in that house; is that so? Yes.

How do you reconcile that to the former part of your evidence, where you stated that you had seen her only twice? I never said so.

(*By Sir R. Williams.*)

You mentioned that you would not visit Miss Taylor, out of delicacy; why did not that delicacy operate with regard to Mrs. C., whom you knew to be living under the protection of the D. of Y.? I stated before my reasons for calling upon Mrs. C.

(*By Lord Folkestone.*)

Did you ever upon any occasion receive any authority from Mrs. C. to negociate the sale of commissions in the army? Never.

You have stated, that you were informed that Mrs. C. had commissions in the army to dispose of; who so informed you? General report.

Endeavour to recollect some individual who might have told you.—I do not recollect any individual telling me, I recollect asking a gentleman Mrs. C.'s address.

Who was that gentleman? Mr. Taylor; he is married to a sister of Mrs. C. since that.

What object had you in asking him that question? That I might call on her.

You have stated, that you were in the habit of returning to Mrs. C. all the letters you received from her; what reason had you for pursuing that conduct? She begged I should do so.

Did she state any reason which induced you to do so? For fear any accident should discover her trafficking in commissions.

[The Witness was directed to withdraw.]

Sir *George Hill* stated, that as a letter purporting to have been written by the Archbishop of Tuam had been produced to the committee, a relative of that worthy prelate wished to be examined as to whether it was his hand-writing.

JOHN CLAUDIUS BERESFORD, Esq. a Member of the House, attending in his place, was examined;

(*By Sir George Hill.*)

Will you look at that letter and state whether it is the hand-writing of the Archbishop of Tuam? I have seen him write many times, and have no doubt it is his hand-writing.

[A Letter of the Archbishop of Tuam was read.]

"Sir; In consequence of your application to
"me, I am ready to give ample satisfac-
"tion, and to bear testimony, that I have
"had assurances from persons in whom I
"place the most implicit confidence, that
"you are a gentleman of most unexcep-
"tionable character in every respect, of a
"respectable family, and independent for-
"tune. I have the honour to be, &c.
"W. TUAM."
"Crescent, Bath, Feb. 17th, 1806."

Addressed "The Rev. Dr. O'Meara, No. 7, "Alfred-street."

Mrs. MARY ANN CLARKE was called in, and examined.

(*By Mr. Wardle.*)

Did you know col. Shaw? Yes.

Do you recollect who introduced him to you? Not exactly.

Do you recollect his applying to you to procure any appointment for him through the medium of h. r. h. the D. of Y.? Yes, I do.

State what that appointment was.—He wished to be made a lieut. col. and to get into some situation upon the staff.

Did col. Shaw promise you any pecuniary consideration on the event of his obtaining the appointment? Yes, he did.

What was the pecuniary consideration he did promise you? I cannot say that I immediately recollect the sum, I believe it was 1,000*l.*

Did you, in consequence of this, acquaint the

Commander in Chief with such offer, and apply for the appointment? Yes, I did; previous to his getting the situation, he wished to be col. of the Manx corps in the Isle of Man, where his father had been deputy governor.

Do you mean to say that you applied for this situation for him? Yes, I did, but there were stronger claims in another quarter.

Did you then apply for any other situation for him? Yes, I did.

What was that? That which he now holds.

Do you know what that is? Barrack Master at the Cape of Good Hope; Barrack Master General, I believe.

Did you receive any pecuniary consideration in consequence of this appointment? Yes, I did.

What did you receive? 500*l.*

Do you recollect how you received that money? I had 300*l.* from col. Shaw, and 200*l.* brought by some man, I understood it was a clerk of Coutts's, but I am not positive, and on that account had a great mind to send it back again, thinking it would be made public.

Were you satisfied with this 500*l.*? No, I was not.

In consequence of not being satisfied with the 500*l.* did you make any complaint through the Commander in Chief? Yes, I did.

What was the consequence of such complaint? H. r. h. said, he had told me all along, that I had a very bad sort of man to deal with, and that I ought to have been more careful, and that he would immediately put him upon half-pay.

Do you know whether major Shaw was put upon half pay in consequence of that? He sent me several letters complaining, but I did not trouble myself much with reading them; one of the letters I gave in to-night, I believe; I thought him already too well off, for his conduct to me.

[Letter from col. Shaw was read, dated in pencil, off the Lizard, 19th May 1806.]

"Off Lizard and a fair wind, 19 May."

"Although I have troubled you so often, and although my mind is nearly convinced that the hardship of which I complained HAS been rectified by the order of *the Gazette in respect to my reduction* being *rescinded,* yet whilst even the suspicion of so serious an evil and indeed an injustice continues, I know that you will make every allowance, and pardon my being so importunate. In addition to the custom of the army being in my favour (as you mentioned) the following instances are specifically so, and in the same appointment: lt. col. Carey, D. B. M. G. Major 28th regt. Lt. col. Vesey, D. B. M. G. Canada, lt. col. 29th regt., the late col. Brinsley, D. B. M. G. West Indies, retained also his full pay commission until his death; and I believe I stand *singular* in the army, in an officer being appointed to the staff abroad, and reduced on half pay in consequence. Thus my case bears in point of right. Your feelings will justify my expectations in point of promise and assurances. The first impression of receiving injury at the hands from whence I had trusted to have merited the contrary, are the only excuses I can plead. For any intemperance that may have appeared in my letters, you will, I am sensible, as my mind was at the *time* affected, readily pardon. The period may arrive in which you will know that, independent of particular consideration, I merited your *good offices;* but until circumstances develope themselves, you shall never understand them through me or by my means. However severely I have felt, however warmly I may have expressed myself, of this be assured, that you shall not experience uneasiness of my occasioning. Though thus decided at present, yet permit me to say, that it does not arise from *viewing otherwise* the severe and cruel injury of putting me on half pay. Independent of present mortification, my prospects in the active line of my profession are ruined by it, and, God knows, they are not very brilliant, considering either the length or the nature of my services. Further, madam, in my present *separation* from *my children,* it creates in me sensations particularly painful, when I reflect, that if approaching that state to which we must all at some period arrive, that I could not (by this measure) have the consolation of resigning my commission *by sale* for the benefit of my *large family;* and that they should in this event have no other *memento* of my *having served 23 years* than in the expences of the purchase, &c. &c. of some commissions. In such cases the humane consideration of the present Commander in Chief have been eminently distinguished.

"I shall no longer trespass; my only apology rests in that every feeling is involved in the present object. I had even appropriated my full pay for the education of two children remaining in England; but illness has for some time deprived me of all my family. Let me, madam, owe good offices to you, and I shall be ever grateful. From your explaining this case, I am certain that *his justice* will be extended to me. Let me not be driven from my profession. Do away the present bar to my family joining me at the Cape; for I am sure that your sentiments will accord, that I ought not to serve when no longer with honour and on a *reciprocal* footing with those *similarly appointed.*

"We are not likely, I fear, to be a healthy fleet; some ships are very crowded, and sickness has already made its appearance; and there are two ships, I hear, without either doctor or medicines. Farewel: and I hope to receive your commands.

"Do away the present evil, and unite the

" Appointments I mentioned, and I will " annually remit 300*l.* Whilst I remain, " *remember* do *me justice*, let not any thing " prevent this; allow not self or family " have ever to say that we owed misfortune " to such a hand."

Addressed: " Mrs. Clarke,
" 18 Gloucester-place, Portman-square."

(*By Mr. Croker.*)

I understood you to have mentioned on a former night, that you never had represented yourself as being a widow; do you now abide by that answer? Does the gentleman mean represented, or that I have ever said so?

Have you ever said that you were, or represented yourself to be a widow? If I have ever said so, it was never but at the Court Martial; if it was ever at any other time, it must have been in joke; but I never represented myself to be so; the two meanings are so different, of saying and representing.

Do you ever recollect yourself to have stated yourself a widow at any other time, but on the occasion of the Court Martial? I do not; but if the gentleman will put me in mind at what time, or to whom, I will answer to the best of my recollection.

Do you ever recollect yourself to have stated yourself to be a widow, at any other time, but on the occasion of the Court Martial? Then I must repeat the same answer. (A loud laugh.)

Mr. *Croker*. If the committee thinks that a sufficient answer, I am satisfied.

Have you ever called yourself by any other name than that of Clarke, since the year 1806? I do not recollect that I have; but it is very likely, to avoid bailiffs.

Is it so common a thing in you to assume a false name, that you cannot positively say when you assumed such a name, or indeed whether you did so at all or not? I only wish the gentleman to point out, and I will answer it immediately, any pointed question.

Is it so common a thing in you to assume a false name, that you cannot positively say when you assumed such a name, or indeed whether you did so at all or not? I do not recollect that I have done so.

Do you recollect to have gone by the name of Dowler? No, I do not; but it is very likely others might call me so; I never represented myself as Mrs. Dowler.

Then you say positively, that you never called yourself by the name of Dowler, or represented yourself as bearing that name? No, I have not, without it might be in joke; and if that is asked me, I will answer the question; it must have been to some acquaintance, if to any body, as I have always lived under my own name.

Did you not, within the time alluded to, live at Hampstead, assuming to yourself the name of Dowler? No, I lived at Hampstead, but under my own name.

Nor in the neighbourhood of Hampstead? No, never any where, but in my own name.

In whose house have you lived at Hampstead? Mr. Nichols's.

How long did you live at Mr. Nichols's? I cannot recollect how long.

A considerable time? Some months.

During the whole of which you passed under your own name of Clarke? During the whole time.

In what year did you live at Hampstead? Part of 1808, and the end of 1807.

You have stated when you were last here, that you had seen Mr. Dowler but twice since his arrival in England; once on a Sunday, when he called relative to the business now under inquiry, and once in the Witness's room in this House; do you abide by that assertion? I will not be caught in a story about that, and therefore I shall say I did see him once besides.

Do you mean to say that you were caught in a story, when you before represented that you had seen him but twice? No; it is now perhaps your wish to catch me in one.

Did you not say that you had seen Mr. Dowler only twice? It is very likely I might have said so.

Is that true or false? It is true that I have seen him twice, and it is also true that I have seen him three times.

Where did you see Mr. Dowler the third time which you now allude to? In this House.

How often have you seen Mr. Dowler besides those three times, since his return from Portugal? Those three times? Once since—yesterday.

That is the whole number of times that you have seen Mr. Dowler since his arrival in England? I believe that the honourable gentleman can tell pretty well, for his garret window is very convenient for his prying disposition, as it overlooks my house. (A loud laugh.)

That is the whole number of times that you have seen Mr. Dowler since his arrival in England? Yes.

You are sure of that? Yes.

You are not now afraid of being caught in a story; you answer with perfect recollection? If the hon. gentleman wishes it, I will say I have seen him oftener, if it will at all tend to any thing; I do not wish to conceal that Mr. Dowler is a very particular friend of mine.

[The Chairman informed the Witness that she did not stand there to make observations on the gentlemen who examined her, but to give correct and proper answers to the questions put to her.]

I have, as well as I can recollect.

At what other places than those you have already mentioned, and at what other times, have you seen Mr. Dowler since his arrival in England? I have seen him at his own hotel.

When? The first night he came home, I believe, but which was to have been a perfect secret, as I did not wish my own family, or any one, to know I saw him that night.

Only the first night he came home?—And the other times I have stated.

[The Witness was directed to withdraw.]

Mr. *Wilberforce* objected to these questions, as tending to no useful purpose. The house was already perfectly aware of the character of the witness, and there was no occasion for this method of elucidating it farther.

The *Chancellor of the Exchequer* was never more surprised than at this interruption. It ought to be recollected that the whole of these charges, as they affected the Duke of York, principally depended on the credit of this witness, and in some measure upon that of Dowler. This Dowler had represented that he had only paid her one visit, in the morning, since his arrival, and that for the purpose of persuading her not to bring him forward. He had endeavoured to hold himself out as an unwilling witness. If then, after what both of these witnesses had said, it could be proved that she had seen him at his own hotel, and actually passed the night with him, it would be a very material consideration, and would go strongly to impeach the credit of both.

Mr. *Fitzgerald* was surprised at the rebuke which the right hon. gent. had given to the hon. gent. who, from the most conscientious motives, had objected to this line of examination, which had no other effect than to exhibit the character of the witness, in a sort of light, with which the house was already acquainted. Mr. F. defended the propriety of this objection, and thought that this line of examination served no other purpose than that of bringing forward unnecessary scandal.

Mr. *Croker* expressed his surprize that the right hon. gent. (Mr. Fitzgerald) should have volunteered in defending his hon. friend (Mr. Wilberforce), upon whom he (Mr. Croker) had certainly made no attack. Mr. Dowler had given in evidence, that he had seen Mrs. Clarke only twice since his return from Portugal, whereas it now appeared from Mrs. Clarke's own evidence, that they had met much oftener, and he put it to the committee, whether it could be considered as idle in him to question the witness upon a point which went not only to undermine the credibility of one, but of both. Besides, if instead only of two interviews, there had not been an hour from his arrival in this country to the time at which he appeared at the bar of the house, in which he might not have been passing his time with this woman, and plotting along with her an attack upon the illustrious personage now accused, it was surely fit that the committee should be made acquainted with this circumstance. He therefore trusted, that he should not be interrupted in the train of questions which he had thought it his duty to put to the witness.

Sir *G. Warrender* admitted that the questions put by the hon. gent. bore upon the credibility of the witness; at the same time he was not of opinion, that in whatever manner they might be answered, they would imply that sort of contradiction which was calculated to remove the impression of the evidence from the mind of the public. It had been said by a right hon. gent. opposite (Mr. Long), that there were no minutes of the recommendation which led to Mr. Dowler's appointment at the Treasury. Now, if it should be found that such a minute did exist—

Here the hon. bart. was called to order by general Stewart.

Sir *G. Warrender* said, that his object was to shew that the examination of the hon. gent. (Mr. Croker), could not lead to any result at all satisfactory to the country; and, in his opinion, it would be much better to make the questions to bear upon facts, than upon any flaw which might afterwards be detected in the consistency of the evidence.

Mr. *B. Bathurst* declared, that if this line of examination was not tolerated, he did not see how the committee could at all arrive at the truth. If the evidence of only one person was brought to substantiate a fact, it was surely of no small importance to know whether the testimony of this person ought or ought not to be believed.

Mr. *Adam* contended, that the examination instituted by the hon. gent. affected the credibility of Dowler as well as of Mrs. Clarke, and that on that account it was of no small importance. Dowler had given in evidence, that he had obtained his appointment through the influence of Mrs. Clarke; he had also declared, that he had only seen her twice since his return from Portugal. Now, if he was convicted of saying what was not true in the one case, it was by no means improbable that he might have spoken falsehood in both.

[The Witness was again called in and examined.]

(By Mr. Croker.)

Are those the whole of the times you have seen Mr. Dowler since his arrival in England? Yes, they are.

You have stated you saw Mr. Dowler at his hotel; how often did you see Mr. Dowler at his hotel? I have told you, once.

Only once? Only once.

What day was that? I have already stated it was the first day he came home.

On Thursday? Yes, on Thursday.

What time of the day did you see him at his hotel on the Thursday? At night.

Did you pass under your own name, of Clarke, on that occasion? I passed under no name:

Do you now perfectly recollect that you saw him at his hotel since his arrival in England but on that one occasion, that Thursday night?—No, the other times I have stated.

At what hotel did you see him? At Reid's, in St. Martin's-lane.

Did you see him more than one time at that hotel? No, I did not, I saw him at my own house afterwards.

Were you in company with Mr. Dowler for a considerable time upon that occasion? I have stated that I was in company with Mr. Dowler; and I beg leave to ask the Chair, whether this is a proper question, whether it is not unbecoming the dignity of the house?

Did you see Mr. Dowler on the Friday morning?

[The Witness was ordered to withdraw.

[The Witness was again called in, and the question was proposed.]

My visit continued till the Friday morning.

(By Mr. Lyttleton.)

Had you any credit with the D. of Y.'s bankers? Which of them?

With either of them? With neither.

Did you ever draw any bills upon the D. of Y., which he accepted? No; it was given out at the Horse-Guards, that I had committed a forgery upon the Duke for 2,000*l.*, which I did not, and it followed me all over the country, and many persons were very much inclined to believe it, as Mrs. Hamilton Pye, col. Gordon's sister, said she knew it of her own knowledge.

Did you ever draw any bills upon the D. of Y., which he accepted? No, he always drew them and accepted them himself; I never had any thing to do with them, he did the whole..

Do you mean you never sent a bill, drawn upon the D. of Y., to Birkett's the silversmith's? Once or twice h. r. h. gave me small bills for 3 or 400*l.*, but they were his own signing and drawing up; it was to get my necklace, or something in that way, from Parker's in Fleet-street, but I never drew a bill, nor never touched any thing of the kind; but I was always obliged to sign something else, private to Parker, for he would not take h. r. h.'s bill without my doing so.

Then you deny that you sent any bill drawn by the D. of Y. or yourself upon the D. of Y. to Birkett's the silversmith's? I never sent any to Birkett's.

(By Sir George Warrender.)

You have stated the number of horses and servants you kept, and that h. r. h. allowed you only 1,000*l.* a year; I believe you remained under the protection of the D. of Y. for three years; during that time did not h. r. h. pay you to the amount of 25,000*l.* in those three years? O dear, no! He very frequently did not make good his monthly payments, and for the three months before he left me I never had a guinea from him; and although Mr. Adam has stated that h. r. h. parted with me on account of a bill, h. r. h. never had the generosity to give me the money for that bill; it was only 130*l.* and I never had a guinea value for it; I had given it to Mr. Corri, to save him from going to prison.

Do you not believe that h. r. h., during the three years you were under his protection, paid 20,000*l.* for you, including all the various sums that were advanced to you, the payment of tradesmen's bills, &c. &c. &c. during those three years? No, he did not.

Will you undertake to say that h. r. h. did not pay 15,000*l.* for you during those three years? Do you include h. r. h. paying for the house before I went into it, or keeping me and the establishment?

Including every thing, all the advances that were made.—I cannot tell what he paid for the house; I can tell what my lawyer got for it.

What was the amount which you got for it? I believe the whole sold for 4,400*l.*; and I think it is proper for me to state in what situation I was, which h. r. h. knew at the time of our parting: some short time before, I had borrowed different sums of money of my lawyer, to the amount of 12 or 1400*l.*, and I asked the Duke for the lease, and he gave it to me, and I gave it up to the lawyer for the different sums of money received from him before the house was got rid of; h. r. h. had not paid the rent for the last half year, and I fancy the taxes for a twelvemonth were not paid; I always paid the taxes; I took 700*l.* on account to pay the poor trades-people and the servants; 700*l.* was due to Mr. Parker, for trinkets, which were got from him to be sold in the sale.

Exclusive of the house, will you undertake to say you have not received to the amount of 15,000*l.* from h. r. h.? That I am very sure of.

Can you undertake to say that positively? Positively.

Will you undertake to say positively you did not receive 12,000*l.* from h. r. h., including every advance, and articles paid for during those three years? Yes.

Will you undertake to say positively h. r. h. did not pay 10,000*l.* to and for you? Yes, I can. H. r. h. paid nothing for me but in gifts, except what he was to have brought me regularly; whatever value it might have been it was in trinkets and those things, it was presents, not in money; I cannot say what the amount of those might be, they all went from me before I left Gloucester-place, which h. r. h. must be aware of, that I had nothing even to take me out of town. He promised to give me 200*l.* for my journey, but Mr. Adam objected to that to my lawyer, and said 100*l.* was plenty; but the Duke overruled it, and sent me two some time afterwards.

Will you undertake to say that the whole amount of h. r. h.'s advances to you and for you did not amount to 5,000*l.*? No, I cannot say as to that.

(*By Mr. Herbert.*)

Do you mean to say, that, except the 1,000*l.* a year, which was given for the establishment, and which was shortly paid, you were not paid any more money, and was it not to a very large amount? No.

Were you paid no more money besides the 1,000*l.* a year? No, I was not. I certainly complained to h. r. h., and he said, he would make some future arrangement. I convinced him that it did not more than sufficient to pay the servants wages and liveries.

Then if I understand you right, you say positively that you had no more to live upon in money than 1,000*l.* a year? No, I should not say that; if I have been very much harassed for any thing, and could not get it from other quarters, and there was nothing in view, h. r. h. would then bring me 100*l.* extra, or two, perhaps, but I do not recollect even two; I do one or so, one now and then, but not often.

Then in point of fact, the Committee are to understand you did not receive any considerable sums of money to support your establishment, except the 1,000*l.* a year? No.

(*By Sir George Warrender.*)

In the course of your former examination you stated, that h. r. h. advanced sums of money when unpleasant things happened, and that unpleasant things were constantly happening; do you adhere to that statement? This is what I have been alluding to now, but it never exceeded 200*l.* or came to that; I never recollect his bringing me 200*l.* over what was the allowance; when I first went to Gloucester-place, the first present that ever h. r. h. made me was 500*l.*; that went for linen and different things.

State what you mean by constantly; how often in the course of a month? I mean in the course of three years.

How often do you mean unpleasant things have happened, when you apply the term constantly? I think it is an improper term; they frequently happened; but Mr. Dowler has relieved several things as well as h. r. h., and I think oftener; I do not recollect h. r. h.'s doing any thing above twice.

Do you mean to say that twice in the course of three years is your explanation of constantly? I have said that the word was improperly used.

(*By Mr. Wallace.*)

You have stated, that when the D. of Y. quitted you, he left you in debt upwards of 2,000*l.*; was that beyond the sum for which you sold the house, and was not the house left to you for the express purpose of paying your debts? There was no money left after the small debts were paid, and the 700*l.* I had paid among the poorer sort of people and the servants, which the lawyer can prove; I have stated that there was 400*l.* or 500*l.* to Mr. Harry Phillips, for his commission. I had no balance coming to me. H. r. h. has stated, that I had trinkets to pay the debts as well as the house, but he knew where the trinkets were; Mr. Comrie can state the whole.

How soon after you went to live in Gloucester-place did your distresses begin? A long time after; I was perfectly clear of debt when I went there.

Did you receive any considerable sum beforehand from h. r. h., or only received the instalments of 1,000*l.* a year when you went there? I had 500*l.* to buy some little necessary things in plate and linen.

That was the 500*l.* you mentioned before? Yes.

Then that 500*l.* no part of it went towards the establishment? No, it went immediately in necessaries.

(*By Mr. Simeon.*)

How soon did you begin the establishment which you stated the other night, as to the number of servants, horses, and other expences? Immediately.

Were you accurate in stating that what you had from h. r. h. would only pay the liveries and wages? Very soon afterwards I found it.

Then how did you support this establishment in other respects; how did you feed the servants, and where did you get your monies for the other expences you might have had? Some of the money has come before the house, the manner in which I used to get it.

How soon did that begin after your establishment in Gloucester-place? I should think about half a year perhaps; I never began it till I felt distressed, and the hints I had from h. r. h.; he told me that I always had more interest than the Queen had, and that I might use it.

Had your distresses begun before the end of the six months; if not, how soon afterwards? I was going on in credit at the beginning.

How much do you think you were indebted at the end of the first six months? I really cannot say, I was always frightened to look at it.

Then you were largely indebted at the end of the first six months? Very much so.

Then your distresses must have begun, and your pressure by bills must have begun, very shortly after that time? Yes.

Did they not continue during the whole of the three years? Yes, they did.

Can you say nearly to what number of persons you might be indebted on account of your establishment; what number of creditors you had? That is quite impossible; I have a list of a great many at home, of all that I owe money to.

Do you think you had fewer than fifty? I should think not fewer than fifty; but it might be fifty, or perhaps more.

They were all very pressing? Most of them, as soon as I got into debt, pressed for places.

Did they not press for money? When they found I did not take them up in the other way.

How long were they before they found that? I always felt it was impossible to recommend a tradesman to any place; and one that was about me especially.

Then they soon found they could get no places? Yes, I suppose they did.

Then they immediately proceeded to demand their monies, did not they? Yes, they did: but they were always very willing to serve me, because they were handsomely paid in the end; they charged me quite as high as ever they charged the Duke himself, if not higher.

Did not numbers of them proceed, at the expiration of six months or thereabouts, to bring actions against you? Yes, they did.

Did not many of those actions proceed, so as to incur great costs, besides the debts? Yes, very great indeed.

What do you say you were indebted when the establishment in Gloucester-place broke up? Under 3,000*l.*

Then how were those great debts paid that were incurred, and which were so continually pressed for, from the expiration of six months, and greatly swelled by the costs of the actions? I found means in some way or other to satisfy them.

Were not those means supplied directly or indirectly, to a great amount, by the Duke of York? No, never.

Can you then take upon yourself to say, that many bills, upon which actions were brought, and the costs incurred, were none of them satisfied by the Duke of York? No.

How do you know that? I know it as well as I know any other circumstance.

Did you pay them yourself? Yes.

How long after your living in Gloucester-place was it before you were enabled to get any sums of money, by the patronage you talked of? Perhaps three or four months, or five months, I cannot exactly say.

Can you say to what amount you got by it in the first year? No, I cannot, I never took any account.

Can you say to what amount you got by it in the course of the three years? No, I cannot, I never took any account whatever of any thing.

(*By Sir George Warrender.*)

Did the D. of Y. defray the charge of no part of your expenditure, such as horses and carriages, independent of the allowance? He bought one carriage, which I stated before.

Did he purchase any horses? For about six months I had job horses, the others I always purchased myself. I lost about 900*l.* in one year, in the purchase of horses.

Were those horses kept at the expence of the D. of Y., exclusive of the allowance? No, they were not.

Do you know the father of Miss Taylor, who was examined here the other night? I do.

How long have you known him? I have known him about ten years, but I have never seen him above half a dozen times.

Have you always known him by the name of Taylor? Always.

Did you ever state to h. r. h. that 1,000*l.* a year was insufficient to support your establishment? Yes, he knew it.

(*By Mr. Simeon.*)

Miss Taylor stated herself to be very poor; have you been kind to her, and made her presents from time to time? Yes, I have.

Have you lately? Yes; I have not within these two months; about Christmas she told me she should get the money for her scholars, it was previous to that I assisted her.

To what amount did you assist her? Very trifling, I had not much within my own power.

(*By Mr. Wardle.*)

Did the D. of Y. ever send out bills in your name, for which he received the money himself? I have asked for money for h. r. h. of a gentleman, but the Duke wanted to give a longer bill for it.

Of your own knowledge, can you say, that the D. of Y. was in the habit of drawing bills at date, in which he placed your name? No.

Do you know that these bills, by which the plate at Messrs. Birkett's was paid for, were drawn in the way alluded to? I never saw the bills; I should rather suppose they were drawn upon himself, and signed 'Frederick.'

Do you recollect ever getting any money for the D. of Y., upon any bills drawn by himself, or any paper of that description, that he gave you with his name upon it? No; I do not think that I did.

You spoke of having a house at Weybridge; was that house ever repaired at your expence? Yes, it was thoroughly repaired, and I built a two-stall stable there; I laid out between 200*l.* and 300*l.* upon it, if not more; I believe more; there was 40*l.* or 50*l.* alone for oil cloth, to screen h. r. h.: to screen his visits, when he was going backwards and forwards, from the neighbours.

Do you know what your diamonds cost the D. of Y.? No, I do not; I never asked.

Were those diamonds ever in pawn, during the period you were with the D. of Y.? Very frequently; and I recollect that when Mr. Dowler paid me 800*l.* I took them out; so that Parker's book would convince about the time that he got his appointment, and I received the money from him; it was within two or three days of his being gazetted, either after or before.

Was the D. of Y. acquainted with the circumstance of your diamonds being in pawn? Yes; because he gave me his own bill once, and something else, payable to Parker; Parker can shew by his books who it was payable to.

Do you recollect the amount of that bill? 400*l.*

You have this night stated, that if ever you called yourself Mr. Dowler, it must have been in joke; and you have stated also, that when you were at Hampstead, you had not called yourself Mrs. Dowler? No, I had not, never.

State whether you might not then have said any thing of that kind in joke? I might have said that in joke; but I never represented myself as Mrs. Dowler, nor as any thing but exactly what I am, except at the Court Martial.

Did you receive any letters when you were at Hampstead? Yes, I did.

Do you recollect how those letters were directed; were they to Mrs. Clarke? To Mrs. Clarke or else to captain Thompson, for I was afraid of being arrested; or to Mrs. Nichols, the woman's name who waited upon me; she acted as my cook; she was the mistress of the house.

Do you recollect any letter or letters directed to you as Mrs. Dowler? No, never; I never had such a thing.

Was Miss Taylor in the habit of visiting you frequently in Gloucester-place? She almost used to live constantly with me there, she would be there two or three days in a week; that was when her father's misfortunes were beginning.

Was Miss Taylor in the habit of dining, when she was there, with the D. of Y. and yourself? Very frequently.

Do you recollect the names of the servants that used to wait upon you at dinner in general? I never used to let the livery servants come into the room, very seldom or never, the butler in general; the other servants used to bring the tray to the door; but she has been seen in the drawing-room by the maid servants, as well as the other men and the butler.

Had you a footboy of the name of Samuel Carter? Yes, I had; but col. Wardle told me he would not mention that.

State whether Samuel Carter was in livery or not? No, he never wore livery.

Did he attend your carriage when you went out? Sometimes, if I had no servant in the way; but I liked to spare him as much as I could.

But he was in the habit of waiting at dinner upon the D. of Y., yourself, and Miss Taylor? Yes, he was.

He constantly waited at dinner during the period he was in your service? Yes.

How long was he in your service? I should think about a twelvemonth, not all that time in Gloucester-place.

Where did he live before he came to you? With captain Sutton.

As his footboy, or in what capacity? Captain Sutton was lame, and he was every thing to him.

At Gloucester-place did he do the work jointly with the other footmen? Yes.

Was he perfectly well known to h. r. h. the Commander in Chief? Yes, he was.

What is become of him? He is in the West Indies.

Did you get him a commission in the Army? Yes, I did.

In what regiment did you get him a commission? Where he is now, in the 16th Foot; I think he is one of the Staff.

(By Mr. Herbert.)

Do you know why the D. of Y. withdrew his protection from you? Mr. Adam states that was in consequence of my pleading my marriage to a bill of 130*l.*; but I can prove the contrary to that, as I had done it once before, and he knew it; and the man had sent threatening letters to him, and to the whole of h. r. h.'s family; his name is Charman, a silversmith in St. James's-street; I have my own opinion of the separation.

Did h. r. h. assign any reason for it? No, he did not; but I guess the reason.

Was it on account of your interferences in military promotions? No, it was what Mr. Adam stated, upon money matters; but not that one of the bill.

You stated, that you had been frequently conversant in military promotions, and sometimes successfully; can you confidently state, and risk your veracity upon it, that the D. of Y. was ever privy to one or more of those transactions? To the whole.

(By the Attorney General.)

Do you mean to state, that you did not represent that Mr. Dowler was your husband, when you were at Hampstead? No, I did not represent.

Do you mean to state, that you did not say that Mr. Dowler was your husband? I might have said so very possibly, but never serious, because they must have known better, whoever I said it to.

Did you or did you not ever say, that Mr. Dowler was your husband? I think it is very possible I did say so, in the manner I have stated.

Do not you know that you did say that Mr. D. was your husband? No, I do not.

Did you not assign a reason for keeping your marriage with him secret? I do not recollect that I did; I could only have said it to some one who was very intimate with me, and knew all about me, and could have no view in it.

Was Mr. Dowler ever in the same house with you at Hampstead? Yes, he was very frequently, during the time he was in England.

Did he sleep in the same house? Yes, he did, several times, but not with me.

Had Mr. Dowler any acquaintance with any person in the house, except yourself? There was no one there except myself and my children, and a French young lady, and capt. Thompson.

In whose house were you at that time? Mr. Nichols's house.

Do you mean to say, that during the time you resided in Gloucester place, a part of the expences of the establishment were not defrayed by the Duke, besides the allowance that he paid to you? I have stated all I can recollect.

Do you mean to say that none of the bills for the constant expences were paid by h. r. h.? Yes, I do.

Did not h. r. h. pay for the furniture of the house? I did not mean to that, I understood constant expences; I do not put the furniture as constant expences.

Did not the Duke pay for the furniture? Yes, all of it except the glass; I believe that cost me 4 or 500*l.* The chandeliers, those I paid for myself.

Did not h. r. h. pay for the wine? He sent in a great deal of wine, but I bought wine myself; I kept a great deal of company, and a great deal was drank.

Do you mean to say that a chief part of the expences for wine was not defrayed by h. r. h.? H. r. h. sent in wine, but it never was enough; I purchased wine myself, both Claret and Madeira; and even that he did send in, he used to scold very much that it went too fast.

To whom did you apply for the Commission for Sam. Carter in the 16th regiment? To h. r. h.

Did you apply to h. r. h. for a Commission for Sam. Carter in the name of Samuel Carter? Yes; it was his real name.

Is it the name in which he is gazetted? Yes.

Was that the name he was usually called in your family, and even to h. r. h. the Commander in Chief? Yes, it was.

Was h. r. h. aware that it was the same person who had occasionally waited upon him at your table, for whom you asked that Commission? Yes, he was.

Was he recommended by any body beside yourself? No; I suppose it is in the office; some one has recommended him.

What interval elapsed from the time Carter was in your service till he obtained the commission? I should think he was living with me near a twelvemonth altogether, not entirely in Gloucester-place but in Tavistock-place likewise.

Did he go immediately from your service into the army? Yes, he did.

Did h. r. h. see Samuel Carter subsequent to his being gazetted? Yes, he did.

(By Sir J. Sebright.)

Did he speak to Samuel Carter on the subject of his having a Commission, either before or after he obtained the Commission? I do not know what h. r. h. said to him; but he saw him after he had been down to the Isle of Wight, and joined the depot; he came up to me for some money, and h. r. h. saw him in Gloucester-place.

Is Samuel Carter any relation of yours? No, not at all.

(By Mr. Yorke.)

What part of the time did Carter live with you in Gloucester-place? I should think five or six months; I cannot exactly say, but I know he lived with me many months.

At the time Miss Taylor was dining so constantly with you as you represent, was Peirson your butler? He waited upon her while he was there, and the other also: Sam. Carter has been waiting while she has been with us, and another butler, who has left me.

You have stated, that Samuel Carter was a boy; what age was he when he got his Commission? I called him a boy, because he was short; I believe he was eighteen or nineteen, of a proper age for the Commission.

[The Witness was directed to withdraw.]

WILLIAM ADAM, esq. attending in his place, was examined.

(By Mr. Charles Adams.)

It appears that an annuity of 400*l.* a year was to be paid conditionally to Mrs. C.; were you consulted by the D. of Y. whether that annuity should or not be paid? I have already stated all I know respecting that annuity, and if the hon. gent. will refer to the evidence I have given, he will find that I know nothing about the payment of the annuity.

(By Sir James Hall.)

Do you confirm the statement made by Mrs. C. that she had an allowance of only 1,000*l.* a year? If the worthy baronet will take the trouble to peruse the evidence I have already given, he will find it is perfectly inconsistent with any account I have given that I could possibly answer that question, because I am totally ignorant, as I have already said, of all payments made by the D. of Y. except those which fell under my cognizance as trustee.

[The Chairman was directed to report progress, and ask leave to sit again.]

HOUSE OF COMMONS.

Thursday, February 14.

[Conduct of the Duke of York.] The house, pursuant to the order of the day, went into a committee to consider of the Charges against his royal highness. Mr. Wharton in the Chair.

Mrs. ELIZABETH BRIDGEMAN was called in and examined.

(By Mr. Wardle.)

Do you recollect any thing of Peirson, the butler to Mrs. C., calling to have a note changed the latter end of July, 1805? Yes, I do.

State where you live. No. 6, Vere-street.

In what business are you engaged? A confectioner.

State exactly what passed with regard to that note. I cannot recollect exactly what passed, but I did not change the note.

Do you recollect Peirson bringing a note to be changed at that time? He did bring a note, but I do not recollect seeing the note, and I did not change it.

Have you no memorandums which you could refer to? No.

(By the Chancellor of the Exchequer.)

Perhaps you do not know the amount of the note? I think he said it was a 100*l.* note.

You did not see it, but he said so? I did not see it.

Do you recollect with any precision the time, the day, or the month in which it happened? I do not.

Some time in July? I cannot say what time it was, but I recollect the circumstance of his coming with the note.

You cannot even be sure as to the month in which it took place? No.

Was he frequently in the habit of coming to your house? Frequently, to order things for Mrs. Clarke.

To get notes changed? I never recollect his changing any thing more than a small note, which might be to pay any little bills she had contracted.

You do not, of your own knowledge, know this was not a small note? No, I did not see it; he merely asked me, whether I could change such a note.

You did not see the note, and did not change it? No.

Do you recollect what was the largest note you ever changed before for him? I do not, but none of any high amount, I never changed.

(By General Loftus.)

Are you certain that Peirson told you this was a large note? To the best of my recollection he said a 100*l.* note.

(By Lord Folkestone.)

Do you recollect whether it was in the summer time? I cannot say positively, but I think it was.

(By Mr. Shaw Le-fevre.)

Do you not carry on business in partnership with another person? There is another person in the concern with Mr. Bridgman, but not exactly a partner; but he knew nothing of the transaction of the note.

Did you in general have the management of the money concerns, or the partner, in the year 1805? He had nothing to do with it, he was in the country.

[The witness was directed to withdraw.

Mr. ALEXANDER SHAW was called in, and the Letter from lieut.-col. Shaw to Mrs. Clarke, given in evidence yesterday, being shewn to him, he was examined.

(By Mr. Wardle.)

Do you know col. Shaw's hand-writing? I think I ought to know it.

Do you know that to be the hand-writing of col. Shaw? I think I know it to be.

Did you ever see him write? I have.

Do you state that to be his hand-writing? I believe it is.

Have you any doubt about it? I have no doubt about it; it is very like, and I believe it is.

(By Lord Henniker.)

Did you ever see col. Shaw write? Col. Shaw is my son, and we have lived as father and son ought to do; as good friends.

[The witness was directed to withdraw.

Mr. CHARLES SHAW was called in, and examined.

(By Mr. Wardle.)

Of your own knowledge, do you know that 200*l.* was remitted to Mrs. C. on account of col. Shaw? No, I do not; but I know that 300*l.* was.

State at what period that 300*l.* was remitted. I received a letter from col. Shaw, mentioning that he wished to convey 300*l.* to his friend, and requesting that I would receive that sum of Mr. Coutts, having sent me an order to that effect, and that I would send it by a careful hand, addressed to Mrs. Clarke, No. 18 Gloucester place. I received the money from Mr. Coutts, in consequence of the order, and delivered it myself at the door.

(By the Chancellor of the Exchequer.)

When was that? I unfortunately have kept no papers or any letters; but, in consequence of the summons of this house, I called at Mr. Coutts's to-day, and found from their books that I received it on the 9th of May 1806; and I perfectly recollect that I delivered it that day at Mrs. Clarke's door.

Was this a remittance from col. Shaw from the Cape? From Bath; he was then immediately to leave Bath for Portsmouth to embark for the Cape; the letter, I perfectly recollect, stated, that though he had received his appointment through the influence of his friends—

Then you have got the letter? I unfortunately have it not, for I destroyed it soon after he embarked; but I perfectly recollect that he stated, that though he had received the Appointment through the influence of his own friend, Mrs. C. had shewn a disposition to serve him; that he had already paid her 300*l.* previous to this, and had received an application for the last sum by way of loan, and that he was loth to refuse her, because he believed there was a disposition to serve him, though the Appointment came certainly through the influence of his friend, whom I knew to have been Sir H. Burrard, who had interested himself very much upon all occasions for this gentleman, and that the Appointment was got by him; but that, as this lady has shewn a disposition to serve him, he had in consequence sent this 300*l.* that it was expressly given by way of loan. In consequence of what I read to-day in the news-paper, that Mrs. C. declared in this house that this gentleman had used her ill, and had not fulfilled all his engagements, I beg to declare from my own knowledge, and I am ready to bring evidence to the Bar of this house, that lieut.-col. Shaw is a man of as high honour and as good an officer, as any man in the king's service, and is incapable of making any pecuniary promise that he has not literally, faithfully, and honourably supported. I beg pardon, if I have been too warm; but it is such a reflection upon this gentleman. I am willing to produce officers, from his colonel downwards, who will state that he never forfeited an engagement he had made in his life; his services are well known.

[The Witness was directed to withdraw.

Colonel GORDON was called in, and examined.

(*By Mr. Wardle.*)

Can you state when major Shaw was appointed to be assistant barrack-master general, and at what period he was put upon the half-pay? I beg to ask, whether you would wish me to answer that question as it is put to me, or to read the whole proceeding respecting major Shaw's appointment, from the first to the last.

Answer the question at first as it is put.—I do not believe that I have got the document in my possession which can exactly answer that question; it must have been about the end of March 1806, or the beginning of April.

Do you mean that it was the end of March 1806 or the beginning of April that he was appointed barrack-master general? I believe he was appointed deputy barrack-master general, and placed upon half-pay immediately afterwards.

Do you know how soon afterwards he was placed upon the half-pay? I cannot from my recollection at this moment ascertain the dates, but they are very easily ascertained: a reference to the army list, or the documents in the office, or the Gazette, would ascertain it in a moment.

(*By the Chancellor of the Exchequer.*)

Are there documents in your office that would ascertain it? Yes, there are.

State any thing you know to the Committee respecting the applications that were made for col. Shaw's situation.—With the permission of the house, I will read all the documents in my possession with respect to the appointment of major Shaw, lieut.-col. Shaw. The first document is a letter from lieut.-gen. Burrard to me, dated August 11th, 1804; it is not dated where from, but it was most likely from the Orderly-room in the Guards.

[Colonel Gordon read the letter.]

"Aug. 11th, 1804.

"Dear Sir; I am so much employed on a board "of clothing, that I cannot do myself the "pleasure of waiting upon you. The en-"closed will inform you of the situation of a "friend of mine, whom I wish much to "serve. If col. Clinton is in London, he "can tell you exactly how he stands; as "can col. Loraine. If you can put me in "the way of serving him, I shall be ex-"tremely obliged to you. He has served "long, always abroad, and very gallantly, "and his father was a brother captain and "friend many years back. I request you "to excuse the liberty I take and trouble "I give you, and believe me truly, Your most "obedient, Harry Burrard."

"Lt. Col. Gordon, &c. &c."

The next document is my Answer to that Letter.

[Colonel Gordon read the Answer.]

"Horse-Guards, 16th Aug. 1804.

"Dear General; I fear that your wishes in "behalf of major Shaw cannot be complied "with, h. r. h. being of opinion, that he "must join his regiment before any further "recommendation in his favour can be "attended to. Your's &c.

(Signed) "J. W. Gordon."

"M. General Burrard, &c. &c."

The next document is sir Harry Burrard's to me, August the 27th.

[Colonel Gordon read the letter.]

"Aug. 27th, 1804.

"My dear sir; I shall be obliged to you if you "will let me know whether Clinton has "spoken to you about major Shaw; and if "you think he may be likely to see the "Commander in Chief to morrow. He has "found a major of the 39th eager to go to "Ceylon, but he is himself preparing as fast "as he can, however distressing it is to him. "I am truly your's, H. Burrard."

The next is my Answer to that Letter.

[Colonel Gordon read the letter.]

"Horse Guards, 28th Aug. 1804.

"Dear General; Clinton spoke to me with "much warmth about major Shaw, but "having twice mentioned his name and

"wishes to the Commander in Chief, I cannot again venture to do it. I recommended major Shaw to speak to h. r. h., and state his situation. (Signed) Your's,
"J. W. Gordon."
"M. General Burrard, &c. &c."

The next Letter that appears upon this subject is from sir Harry Burrard to me, on the 27th of March, 1805.

[Colonel Gordon read the letter.]

Put by.

"March 27th, 1805.

"Private and confidential.

"My dear sir; My friend Shaw's health is by "no means re-established, and his family "still in extreme distress from their recent "losses and misfortune. I could therefore "wish his leave to be extended for two "months, and I am sure it would prevent "infinite distress to him. If you can manage it for me I shall be extremely obliged "to you. I have heard it whispered, that "it was possible rank could be obtained by "raising men. If it is so, and this could "be allowed him, it would most materially "serve him, and do away the mortification "I am afraid my want of skill has occasioned; and I should not have to reproach "myself *at any rate* with want of success. "I am afraid his leave will be soon out, and "his anxiety will, of course, be great. Pray "excuse the trouble I give you, and be assured that nothing can afford me more "pleasure than *serving* you, as I really am
"Your, &c. Harry Burrard."

The next is my Answer to that Letter dated the 28th of March.

[Colonel Gordon read the letter.]

"Horse Guards, 28th March, 1805.

"Dear General; His royal highness has much "pleasure in complying with your request "for a prolongation of leave of absence for "major Shaw, which leave has been extended for two months, from the expiration of his present leave, and the same has "been notified to the adjutant-general. At "the same time it is but just to hint to major Shaw, that there is a duty to the service, to which the Commander in Chief, "however anxious h. r. h. may be to relieve "the distresses of individuals, must give attention; and, if the circumstances of major Shaw are such as to preclude him from "joining on so remote a service, he should "retire upon the half pay until some more "favourable opportunity. Ever your's, "&c. J. W. Gordon.

"P. S. There is no intention at present on "the part of government to raise men for "rank in the infantry.

"Lt. General Burrard, &c. &c."

The next is from general Burrard to me on the 10th of May following.

[Colonel Gordon read the letter.]

"*C. B.*
"*Speak to me.*

"May 10th, 1805.

"My Dear Sir; I cannot sufficiently acknowledge, in general Archer's name and "my own, how much we feel obligation "to h. r. h.; I sincerely hope Archer will "have opportunity of evincing his gratitude "and zeal. Since I spoke to you concerning major Shaw, he has called upon me "to inform me that he cannot, conditionally *not to pay if he does not proceed* "*to India*, get a passage secured, and that "the captains require 400*l.* Now, as he "is led to have some hopes still, that an opportunity may offer to promote him, from "what h. r. h. so graciously said, he feels a "reluctance to sink so large a sum, if there "is a possibility to avoid it. If you could, "therefore, soon again recall him to the "Duke, he would abide by whatever was "the determination of his royal highness. "Excuse my troubling you, and believe me, "&c. Harry Burrard."
"Lt. Colonel Gordon."

The next is my Answer to that Letter.

[Colonel Gordon read the letter.]

"Horse Guards, 13th May, 1805.

"Dear general; I have laid your letter of the "10th instant before the Commander in "Chief, and am directed to acquaint you, "that h. r. h. sees no prospect of any early "opportunity of complying with major "Shaw's wishes: and that, therefore, it is "advisable he should proceed to join his regiment by the earliest conveyance. I "have, &c. J. W. Gordon."
"Lt. Gen. H. Burrard, &c. &c."

The next that I hold in my hand is March 1806, from sir Harry Burrard to me.

[Colonel Gordon read the letter.]

"(Confidential.)

"March 26, 06."

"My dear Gordon; I hope you will pardon the "anxiety of a soldier to get promotion; and "of his friend, and the very ancient one of "his old father, to assist him in it, particularly as he is well assured of his zeal and "general worth. Under this presumption "I inclose a letter from major Shaw, with "my earnest hopes that should any thing "turn up, in which you can bring his name "forward, that he may not be forgotten. I "inclose it for your private reading, and request at your leisure you will return it. I "will at any time *attend you*, to prevent you "the trouble of writing, or rather the *time* "of it, for I know the former you do not "mind. Your messenger knows where to "find me, as I am at this orderly room for "two or three hours most days. I am truly "your's with great regard,
"Harry Burrard."

Mr. D.

"I shall be glad to speak to general Burrard "this evening if possible, if not, about two tomorrow."

The inclosed is from major Shaw, to sir Harry Burrard, dated Pevensey Barracks, 19th March, 1806.

[Colonel Gordon read it.]

(Inclosure.)

"Pevensey Barracks, 19th March, 1806."

"My dear sir; I fear that you must think me "presuming on your many kindnesses in "again troubling you, and, being without "apology, I must rely entirely on your goodness. In making, however, my present "request, let me beg that, if attended with "any circumstances unpleasant to you, "that you bestow no farther consideration, "than pardoning the liberty of my having "made it.—I shall premise with stating, "that previously to my removal from the "Ceylon regiment, h. r. h. had been graciously pleased to promise me promotion, "on a favourable opportunity offering: and "on my joining the 40th regiment, I repeated my desire of purchasing, to which "I now stand noted by a letter from col. "Gordon. Having had further assurances "given to me of his royal highness's favourable intentions, in the admission of my "services, being now nearly 23 years in his "majesty's army, that my cotemporaries "are generally colonels, or old lieut. colonels, and that I experienced the mortification of being purchased over by an officer "from another regiment, and by many years "my junior in the profession; from these "circumstances, I am induced to hope that "should colonel Gordon favour me by "bringing my case to h. r. h.'s notice, that "I might benefit by some mark of favour in "the military arrangements that are expected to take place. It is in this expectation "that I venture to trouble you, and I shall "feel myself sincerely obliged by your mentioning to colonel Gordon (should a desirable opportunity offer) my services, disappointments, and present hopes; and I "shall esteem it a particular favour his "bringing my case at this period to h. r. "h.'s remembrance. I shall no longer trespass on your time but in offering my best "respects to Mrs. Burrard. I remain, &c.

"J. Shaw."

The next letter is one from general Burrard, March 29th, 1806.

[Colonel Gordon read the letter.]

"(Private.)

"March 29th, 06.

"My dear sir; To shorten the business, I send "you Shaw's letter, which is nothing more "than to say, that he gratefully will accept, "if the deputy barrack-mastercy at the "Cape can be obtained, with the rank of "lieut. col. and go there in *three* weeks. "I explained *that*; and also, that (if it "could be obtained) he would be put on "half pay as soon as it could be done. His "request is to come to London immediately, if he can succeed. I am truly, &c.

"H. Burrard."

"Pray return the letter."

"Lieut. Col. Gordon."

"C. L."

"The appointment is now to go on."

I did not return the letter, and I now have it in my hand; it is a letter from col. Shaw to gen. Burrard.

[Colonel Gordon read the letter.]

(Inclosure.)

"Pevensey Barracks, 28th March, 1806.

"My dear sir; I am just honoured with your "letter, and I trust you will believe that I "feel, though I shall not attempt to express "my gratitude, for your present and many "kindnesses towards me, and I can only "add, that my sense of obligation can alone "cease with my existence.—I have, as far "as the present time allowed, given every "consideration to the proposal you have "made me, and should conceive myself fortunate in succeeding to it, and should be "ready to proceed in the time you mention. I have only to request, that should "the decision prove favourabie, that I "might be permitted an immediate leave "of absence, as I should have a great deal "to arrange in regard to my family. It "would be my wish, could I procure an "accommodation, to take my wife and two "of my children out with me, and to "leave the others in this country.—As "our warning for the post is very short, I "must conclude, begging my best respects "to Mrs. Burrard, and that you will believe "me, &c. J. Shaw."

"General Burrard."

The mark I put upon this letter was, "the "Appointment is now to go on;" it did go on, he was appointed deputy barrack-master-general at the Cape, with the rank of lieutenant-colonel, and, as soon as possible, was put on half pay. I have further to state to the committee, that when this subject was mentioned in the house some evenings ago, I sent to sir H. Burrard, to request he would bring to his recollection all the circumstances that took place upon the subject of Shaw's appointment. Sir H. Burrard waited upon me on the 30th of January last, and put this paper into my hands.

[Colonel Gordon read the letter.]

The following day sir Harry Burrard sent me this letter.

[Colonel Gordon read the letter.]

I have now told the committee all I know upon that subject.

(By Lord Folkestone.)

In the first letter that you have read, col. Shaw refers to some promises made him of promotion by h. r. h. the Commander in Chief; do you know what those promises were? I cannot state exactly that I do know, but I supposed them to have been the usual answers given to officers who make application for promotion, that their names were noted, and would be considered with the names of other officers of equal pretensions, when future opportunities offered.

You do not know of any other promise which major Shaw had received? No, I do not.

Is it usual for field officers on the staff to be put on half pay? When a field officer accepts a staff appointment abroad, a permanent staff appointment, it is useless for him to be placed upon the half pay; it is the general rule of the army: there are exceptions, which I can explain when called upon.

State the exceptions.—The best way for me to state the exceptions would be to read to the committee a List of all the permanent staff situations, and to state all that are upon half pay and who are not, and why.

Was the officer who held the appointment before major Shaw, on half pay or full pay? If I recollect right, major Shaw was the first person who held it; he was appointed upon the capture of the colony of the Cape of Good Hope.

[Colonel Gordon delivered in a List of the Staff Officers on Foreign Stations.]

(By Sir George Warrender.)

How many of these officers holding staff situations, who are upon half pay now, were on half pay previous to and at the time they were appointed to those staff situations? Speaking to the best of my knowledge, I believe when they were appointed to their staff situations, they were every one, without exception, on full pay.

Was sir W. Keir upon full? He was not.

You have stated that the two other staff officers at the Cape are lieut. col. Sorel and lieut. col. Harcourt; were either of those officers upon half pay when they received those appointments? No, they were not, they were put upon half pay since; the paper I gave in will state it exactly; and I do believe, with the exception of sir W. Keir, they were all upon full pay; there may be one or two exceptions.

(By General Fitzpatrick.)

Does sir W. Keir receive his half pay? That is a financial question that I can only answer as matter of general information; I believe he does not, as he has applied for it, and I believe he does not receive it.

(By Mr. Abercrombie.)

Am I correct in supposing that col. Kempt was appointed quarter-master general in Canada, on the recommendation of sir James Craig; col. Kempt being at that time absent in Sicily? Yes, he was; col. Kempt had no notion of his appointment until it was intimated to him.

Am I correct in supposing that col. Kempt would have declined that situation, if it had interfered with his situation as lieut. col. of the 81st regiment? I am quite positive of it, for he repeatedly assured me so.

Is the deputy quartermaster-general in Sicily on full pay, or does he receive any other pay than that of his staff situation? I do not know that he does; I believe that he receives merely the pay for his staff situation, and will be placed upon the half pay in addition to that as soon as an opportunity can be found, but at present he is aggrieved by not even having the half pay; that is lieut. col. Campbell.

(By Lord Folkestone.)

Have the staff-officers, whom you mention as being on half-pay, been on half-pay ever since they have held those staff situations? I believe I have stated to the house, that to the best of my recollection they were all upon full-pay when they were appointed, and were placed upon half-pay as soon as possible afterwards.

Immediately upon their receiving their staff appointments they were placed upon half-pay? As soon as possible afterwards; the Commander in Chief has it not in his power to place an officer upon half-pay whenever he pleases, there must be a vacancy on the half-pay establishment.

I understood you to say that an officer of the name of Bowyer in the West Indies was on the full-pay, holding a staff appointment; what staff appointment does he hold? I said that major Bowyer was deputy adjutant general in the West Indies, and he is the eldest captain of the 59th regiment, he has been ordered to join his regiment, or he will be placed upon the half-pay.

What regiment did col. Shaw belong to before he received his staff appointment? Col. Shaw exchanged from one or two, but I believe it is the 40th regiment.

Did general Burrard command a battalion of the guards at that time? He commanded the brigade of guards in London.

Did you state those documents which you read to be all the documents respecting the appointment of major Shaw? They are all that I know of, in my present recollection.

All those that are in the office? Upon my word I believe so.

Is it customary to appoint an officer to any staff appointment or any advantageous situation, without inquiring of the officer commanding the regiment to whom he belongs, what has been the conduct of that officer? That is the general mode to apply to the officer commanding the regiment; but major Shaw had not been in the 40th regiment six months, if my recollection serves me right, and gen. Burrard states that he knew him from a boy.

Is it not customary to apply to the general officer, who is col. of the regiment, in such cases? No, I cannot say that it is; the col. of the regiment, not being with his regiment, he is very often not so good a judge of the merits of the officer as the officer actually in the command of it, or many other officers with whom the individual may have previously served.

In point of fact, no application in this case was made to any person but to gen. Burrard?

Gen. Burrard mentions in his letter that he had sir James Craig for his friend, and I have endeavoured to bring to my recollection whether sir J. Craig had ever spoken to me about Shaw; I cannot bring to my recollection that he did, but it is possible that he might.

Had col. Shaw ever served under sir J. Craig? I really know no more of it than exactly what sir H. Burrard states in his letter; it is most likely he had, for he had served a great deal in India, and it is probable that in India he had obtained the patronage of sir J. Craig.

(By General Loftus.)

Do you know col. Meyrick Shaw? There is a col. Shaw who has just been removed into the 76th regiment, I believe his name is Meyrick Shaw.

(By Mr. Wardle.)

Do you recollect his being confidential secretary to lord Wellesley in India, then a major? I rather think that he did hold some appointment under lord Wellesley, as lord W. has more than once recommended him to the notice of the Commander in Chief.

Do you recollect, that in consequence of his purchasing the lieutenant colonelcy of a regiment not in India, he was put upon half-pay? Yes, I think I recollect that perfectly, that he purchased the lieut. colonelcy of the 31st regiment.

Was there any deviation from the ordinary practice of the army in the appointment of col. M. Shaw to the lieut. colonelcy of the 76th regiment? None whatever, it was the constant practice; I stated I believe in my evidence some nights ago, that it was the rule of the army that a junior officer should not be placed over the head of a senior officer of the same rank, that is, the junior major of one regiment should not be put over the head of the senior major in another; but lieut. col. Shaw was a lieut. col. and he was placed on the lieut. col.'s vacancy over the head of the major; that is the constant practice of the army, there has been no deviation whatever in it.

Do you know what recommendation Mr. Samuel Carter had for his ensigncy in the 16th regiment? Yes, I do.

(By Mr. Wellesley Pole.)

What is the date of major Covell's commission as major in the army? August 1807.

From what date does lieut. col. Shaw take rank as lieut. col. in the army? I should think he has been a lieut. col. rather better than three years, I have no document by me that will state that accurately.

(By General Loftus.)

Do you know that col. M. Shaw was a great many years a commissioned officer in the East India Company's service, before he came into his majesty's regular service? I do not know it from my own knowledge, I have heard the very best character of col. Shaw, from various officers.

Do you know whether he was removed to the half pay without receiving a difference? I believe he was.

Is it not a regulation, or at least understood, that whenever an officer is placed upon half pay without receiving a difference, government is in some degree pledged to place him upon full pay as soon as a favourable opportunity offers? The Commander in Chief has invariably been governed by that rule.

(By the Secretary at War.)

Do you know whether I took a particular interest in lieut. col. Sorel? With the greatest deference to the right hon. gent. who put that question, I may say that he importuned me upon it.

Did I importune you to solicit h. r. h. to keep that officer upon full pay, as long as he could with propriety be kept in that situation? Yes, certainly.

(By Mr. John Smith.)

Q. Do you know any instance of a private soldier of a dragoon regiment, who by his good conduct arrived at the rank of captain, and obtained a Quarter-Master's Warrant, and in that situation commanded officers who had been lieutenants when he was private?

[The witness was directed to withdraw.]

Colonel *Wood* objected to the question, as coming within that line of examination which the committee had already decided against. He understood the opinion to be, that no case should be gone into except where the rules and regulations of the army had been broken in upon. If questions such as these were to be admitted, they would not know where to stop. To enquire into cases of promotion, where the rules of the army had not been broken in upon, would be to trench upon the prerogative of the crown, in which was exclusively vested the power of granting commissions in the army.

Mr. *S. Bourne* observed, that the hon. member opposite (Mr. Wardle,) had been stopped from going into other matter, in order that some questions might be put to the witness relative to col. Meyrick Shaw. He put it then to the hon. member, whether he would travel into other cases, until that immediately under consideration had been disposed of.

Mr. *J. Smith* stated the object of his question to be to impeach the evidence of the witness at the bar, for whom, however, he felt a high respect. That witness had stated that the settled regulations of the army had never been broken into. He was not afraid to state that the contrary was the case; and it was to shew this that he had put the question to the witness.

Mr. *S. Bourne* should not object to the question, if it were put with any view of impeaching any testimony given at the bar.

Sir *G. Warrender,* though he did not approve of the course of examination which had been pursued, yet considered this question as proper as those which had immediately before been put, relative to col. Shaw.

Mr. *W. Pole* informed the committee, that the object of his questions was to put the committee in possession of a fact of which it seemed not to have been aware, that col. Shaw had been a lieut. col. some years before major Covel was a major.

Mr. *Yorke* observed, that the inquiry concerning Samuel Carter had been stopped, in order to proceed with the case of col. Shaw, but, if it was contended that the regulations of the army had been broken in upon, he was of opinion that the question should be put.

Gen. *Loftus* recollected the evidence which had been given by the witness on a former night, and he was convinced it could not be impeached. He had not said that the rules of the army were never departed from, but not generally, and except in special instances.

[The witness was again called in, and examined.]

(By Mr. J. Smith.)

Do you know capt. Brunker, who either is, or lately was paymaster of the 5th dragoon guards? I cannot say that I have that pleasure.

Do you not know that that officer, who is a very meritorious officer, was formerly a private in that regiment? I have already said, that I have not the pleasure of knowing him at all.

Do you know Mrs. Clarke? I never had the pleasure of seeing Mrs. C. till I saw her at the bar of this house two evenings ago.

(By Mr. George Johnstone.)

In the series of correspondence which you have read between gen. Burrard and yourself, there is a letter sometime towards the 28th of March, wherein gen. Burrard, in the most earnest manner, renews his solicitation on behalf of major Shaw, and a note is made upon that, desiring to see gen. Burrard that evening, or early next morning; did you see gen. Burrard in consequence of that desire so expressed? I think it is most certain that I saw him, for his next letter contains an answer to something I must have said to him.

On that occasion did you suggest to gen. Burrard, that this appointment of barrack master at the Cape of Good Hope was vacant, or about to be so? I cannot state positively that I did not, I think it most likely that I did.

Had you ever had any conversation with the Commander in Chief upon that subject, and had he ever expressed any earnest desire to provide for major Shaw? I do not recollect that the Commander in Chief expressed any desire at all, but I certainly must have had some communication with him, or I never could have ventured of myself to have made such a proposal to sir H. Burrard.

Did the Commander in Chief ever speak to you upon the subject of major Shaw, except when you, in the course of your official duty, made representations to the Commander in Chief respecting major Shaw? I do not recollect that he ever did, but I beg leave to state, that it is pressing my recollection a little hard, considering that there are 11 or 12,000 officers of the army, all of whom, or their friends, either correspond with or address me.

(By Mr. Brand.)

Did you ever hear of Mrs. Clarke's selling, or pretending to sell commissions in the army, before it became the subject of discussion in this house? Never, but through the medium of the numerous libels that have been lately published against the Commander in Chief.

Did you ever set on foot any enquiry into the truth of those statements? I have already stated to the house, that in the autumn of 1804 I had understood that numerous abuses of this kind existed, and I did set on foot every inquiry that it was possible for me to do; I ascertained that these abuses were practised, and in a letter that is now before the house, cautioned the Officers of the Army against such practices; even subsequent to that letter, I had proof that such abuses did exist, and I obtained the opinion of eminent counsel, and they assured me it was not even a misdemeanor, and that I could have no redress; upon that I represented the circumstance to the then Secretary at War, as I have already I believe stated in evidence to this house, and a clause was inserted in the Mutiny Act, to impose a fine upon it.

From what source did you receive your intelligence of the existence of those abuses? I rather think that the source was anonymous; but upon inquiry I found that the account was true, and I traced it to Mr. Froome, an army broker, and a Mr. Hebden, I believe a clothier in Parliament-street: I sent for Mr. Froome; Mr. Froome told me that he had received this money; I think it was nearly 1,000*l.* for the paymaster-ship of one of the battalions of the German legion: I think, I am speaking now from recollection, that he told me also that he had only received a per-centage upon the money, and paid the money to other hands: after repeatedly pressing him, I think he named Mr. Hebden the army clothier. I sent for Mr. Hebden, and after some conversation, I must state to the house that I was not a little surprised at the impudence of that gentleman, who told me positively that he received the money, and would tell me no more about it; that is the proof to which I alluded.

The name of Mrs. C. was never mentioned to you as a party to this or any other similar transaction? Most certainly not.

(By Mr. Dickenson.)

Did you ever disclose to the D. of Y. the circumstance of Mr. Hebden and Mr. Froome? Yes, I did indeed, and to many other people, and took the opinion of lawyers upon it; which opinion I believe, and all the documents upon it, I can, if necessary, lay before this house.

What was the Duke's answer? The Duke desired me to scrutinize it to the bottom, and, let it fall upon whom it might, he would make an example of them.

(By Mr. Wardle.)

Since this transaction, do you know that Mr. Froome has been employed by Mr. Greenwood? No, I do not know it.

(By Mr. Charles Adams.)

You delivered in a paper from Messrs. Greenwood and Cox, relative to the exchange between lieut. col. Knight and lieut. col. Brooke, some of which you stated to have been written in the original in pencil; how did that happen? As this paper is printed, it is incomprehensible almost to me: when this paper was laid before the Commander in Chief, I received his pleasure upon it, and I marked upon it this pencil remark "*C. L.*" (Colonel Loraine) "cannot be acceded to; h. r. h. does not approve of the exchange proposed." Subsequent to that, inquiries were made as to the services of lieut. col. Brooke, on whose account it was that the exchange was not acceded to. The result of these inquiries was such as to induce me to lay the papers before the Commander in Chief again; and this second pencil remark is the result of the second representation I made to the Commander in Chief.

Is is usual to make your remarks in pencil? Sometimes in pencil, sometimes in ink.

(By Mr. Wardle.)

Were you acquainted with Mr. Froome, or knew any thing of his situation in life previous to the interview you had with him on the subject of this commission? I knew him as a reputed army broker to a great extent, and one of a description of persons with whom I declared open war the moment I came to the Commander in Chief.

In consequence of the transaction stated by you, were any steps taken to prevent his transacting that agency business for the army? I do not understand that he ever was authorized to transact business for the army, but he transacted it in spite of every thing I could do; he was an army broker, not an agent.

(By the Chancellor of the Exchequer.)

Was it not in consequence of information which you obtained upon the subject, that those circular letters were written, and the clause in the Mutiny Act submitted to parliament? The circular letter was written in consequence of the information I had obtained prior to the fact with which I have now acquainted the house; the clause in the Mutiny Act was brought into this house subsequent to that, and because I found that I had no redress.

(By Mr. Wardle.)

Was there ever any entry made of col. Knight's exchange not being approved by the Commander in Chief? Certainly there was, and sent either to col. Knight or col. Brooke; I had the letter in my hand the first time I gave evidence before the house.

Through what recommendation in your office did Mr. Samuel Carter receive his Ensigncy in the 16th foot? Lieut. Sutton of the Royal Artillery.

[The Letter was read, dated Dec. 7th, 1801.]

"Royal Laboratory, Woolwich,
December 7th, 1801."

"May it please your royal highness; The kindness that your highness has at all times most graciously bestowed on me, emboldens me to address you in the behalf of an orphan lad, nearly 16 years of age, of the name of Samuel Carter (whose father lost his life in the service, and whom I have brought up and educated,) in hopes that your highness will be graciously pleased to appoint him to an Ensigncy; a favour that I should not presume to ask but on the score of my long service and sufferings in his majesty's service; which I hope and humbly trust your royal highness will take into your gracious consideration, who am, with all due submission and respect, &c.

"Tho. Sutton,
"Lieut. Royal Artillery."

"Lt. Col. L."

"From present circumstances, it is not in the Commander in Chief's power to recommend any person for a Commission; but the person mentioned will be noted to be provided for at a future opportunity.

"J. C."

Do you recollect when he was appointed? Here is lieut. Sutton's Answer to the notification, which will state it exactly.

[The Letter read, March 29th, 1804.]

"Lieut. Sutton presents his most respectful compliments to col. Clinton, to acknowledge the honour of his note of the 21st inst. and begs to express how gratefully he feels the appointment h. r. h. the Com-

"mander in Chief has been pleased to
"confer on Mr. Samuel Carter."
"London, March 29th, 1804."
"Colonel Clinton,
&c. &c."

The appointment must have taken place there or thereabouts.

Do you know whether lieut. Sutton is dead? Until I looked into these papers, I did not know that such a man existed; I have heard that he is dead.

(By General Loftus.)

Are not candidates for Ensigncies frequently on h. r. h.'s list for two or three years before they can be appointed? That depends upon the period; at the period of 1801, the reduction of the army, and the period of peace, it was absolutely impossible to appoint him, as the answer states; the answer is in substance upon the body of the letter, but here it is in length.

[Colonel Gordon read the Letter, dated 8th December 1801.]

"Horse-Guards, 8 Dec. 1801."
"Sir; I have received the Commander in
"Chief's commands to acquaint you, in
"answer to your letter of yesterday's date,
"that from present circumstances it is not
"in the Commander in Chief's power to
"recommend any person for a commis-
"sion; but h. r. h. has directed Mr. Samuel
"Carter's name to be noted, to be provided
"for at a future opportunity. I am, &c.
"Lieut. Tho. Sutton, "Rob. Brownrigg."
"Royal Artillery,
"Royal Laboratory, Woolwich."

I should imagine the circumstances alluded to were the reduction of the army.

Have not you recently known instances of candidates, respecting whom there was no disqualification, where they have frequently remained two or three years before they were appointed? Certainly; I dare say there are 100 upon the Duke's books at this moment, or two.

Is there any subsequent recommendation of Mr. Carter? I have no other documents whatever on the subject.

When a recommendation is once in, is it necessary for a subsequent recommendation to come when that candidate is noted upon the list? The usual practice is, when a person sends in a memorial, he follows it up by himself and his friends repeatedly, and commonly in person.

(By Lord Folkestone.)

Do you know the date of Mr. Carter's commission? I cannot say that I know the date, but it must have been between the 17th and 21st of March 1804.

In the affair of the exchange between col. Brooke and col. Knight, had not col. Knight previously made an application to be allowed to exchange with col. Pleydell? Yes, he had.

Was that objected to? Yes, it was.

Are the documents upon that subject now in the office? I rather think they are.

Did you ever hear of a person of the name of Hector Stray, an Ensign in the 54th regiment of foot? To the best of my recollection, I never heard his name mentioned before.

Have you with you any means of ascertaining whether there is such a person? I have not with me, but I can ascertain it by eleven o'clock to-morrow morning.

You stated, on a former examination, that you had frequently been in the West Indies; were you not born in the West Indies? I was not, I have the honour of being a Welshman.

(By Alderman Combe.)

To your knowledge, did Mr. Hebden, who received the 1,000*l.*, for the Paymastership, ever obtain that Paymastership? The Paymastership was certainly obtained, and that struck me very forcibly when I made the inquiries.

Is it competent to you in your official situation to produce the documents of that appointment? I can produce them; it will give me great satisfaction if the Committee will do me the honour to go into them.

At whose recommendation are Paymasterships bestowed? The colonels of the regiments through the Secretary at War.

(By the Secretary at War.)

Has the Commander in Chief any concern with the recommendation for these appointments? None whatever, except the submitting them to his majesty.

Is it a matter of course for the Commander in Chief to submit to his majesty those recommendations for Paymasterships, which are approved by the Secretary at War? It is quite a matter of course, when approved of by the colonels of the regiments and the Secretary at War.

Does the recommendation of the Paymaster on all occasions originate with the colonel of the regiment, or does the Secretary at War appoint? I understand the practice to be, that the recommendation is with the colonel of the regiment, and it is submitted to the Secretary at War, whose duty it is to take care that the securities are good.

(By Mr. Dickenson.)

Who was the colonel who recommended the Paymaster, in the case of Hebden, to the Paymastership? I really do not know who the col. of the battalion was; it of course came through the head of the German Legion, the duke of Cambridge.

Who was Secretary at War at that time? I rather think it was gen. Fitzpatrick, I will not be quite sure.

Is there not an express regulation, that Paymasterships cannot be sold? I understand it to be so decidedly.

Do you happen personally to know lieut. Carter? No, I do not, to my knowledge I never saw him.

Do you know from any correspondence that, although he was, as was expressed upon his recommendation, a poor orphan, he had had a sufficient education to qualify him for an ensigncy, being the son of a soldier who was killed in the service? Until his name was mentioned here last night, I never heard his name mentioned.

(By Mr. Ellison.)

Who appoints the paymasters? I have already stated, that the col. of the regiment recommends the Paymaster; the Secretary at War approves of the sureties, and in that shape they come transmitted to the Commander in Chief, who lays them as a matter of course before the king.

(By General Fitzpatrick.)

In what year did the transactions you have alluded to relative to Mr. Hebden, take place? I really do not know, but this I know, that it was in consequence of the transaction that I was induced to speak to the Secretary at War to insert a clause in the Mutiny act.

Do you not recollect whether the transaction did not take place before my appointment as Secretary at War: whether that transaction could have ever come under my cognizance? I really cannot take upon me to state the exact date, it must have been there or thereabouts, I cannot speak to the exact period.

Cannot you ascertain, by reference to your papers, whether it was before the month of Feb. 1806? I cannot, without reference to the Army List; the Paymaster's name was Blunderstone, of one of the battalions of the German Legion.

(By the Secretary at War.)

Do you not understand it to be a matter of course, that the Secretary at War should recommend any paymaster that is recommended to him by the colonel of the regiment, provided he finds him to be a person fitted for the situation, and that he has proper security? Quite a matter of course.

(By General Fitzpatrick.)

Upon what ground do you say that the recommendation of the commanding officer of a regiment, for the paymaster, is received as a matter of course at the War-office? I am called upon to answer a question that in no shape belongs to the office which I superintend, but as matter of general information, I understand that, when the colonel of a regiment recommends a paymaster to the Secretary at War, if the Secretary at War sees no objection to such recommendation, and his securities are good, then it is a matter of course that he recommends.

(By Colonel Barry.)

In case the Secretary at War should disapprove of the securities, what is then the process? I beg to repeat that I am answering questions in no way connected with my office, but as a matter of general information I can state, the Secretary at War would then return it.

Would not the colonel then have another recommendation which might meet with approval? Certainly.

(By Lord Folkestone.)

Produce the documents respecting the resignation of major Turner.

[Col. Gordon delivered them in, and the following papers were read: Letter from Messrs. Greenwood and Cox to col. Gordon, dated Craigs'-court 5th of Sept. 1808.—Letter from capt. Turner, dated Canterbury, 26th Aug. 1808.—Letter from lieut. Sitwell, dated Canterbury 26th Aug. 1808.]

"Craig's Court, 5 Sept. 1808."

"Sir, we are directed by lieut.-gen. Cartwright, "to enclose the resignation of brevet major Turner, for the sale of his troop in "the 3d or (King's Own) Regiment of Dragoons, which we request you will be pleased to lay before field-marshal h. r. h. "the Commander in Chief, together with "the recommendation of Lieut. Sitwell to "succeed thereto, the purchase-money "being satisfactorily settled, and no senior "lieutenant in the regiment having signified "an intention of purchasing. We have, &c.

"Greenwood, Cox & Co.

"Lieut.-col. Gordon, &c. &c. &c."

"Canterbury, 26 August 1808."

"Sir, I beg you will be pleased to obtain for "me his Majesty's consent to the sale of "my commission of Captain in the 3d or "King's Own regiment of Dragoons, which "I purchased. In case his Majesty shall be "graciously pleased to permit the same, "I do declare and certify, upon the word "and honour of an officer and a gentleman, "that I have not demanded or accepted, neither will I demand or accept, directly or "indirectly, at any time, or in any manner "whatever, more than the sum of 3,150*l.* "being the price limited and fixed by his "Majesty's regulation, as the full value of "the said commission.

"I have the honour to be, &c.

"Whichcote Turner, captn."

"Officer commanding 3d or
"King's Own Regt. of Drags."

"Canterbury, 26 August 1808.

"Sir, I beg you will be pleased to obtain for "me his Majesty's permission to purchase "the troop, vacant in the 3d or King's Own "regiment of Dragoons, (vice) Turner, "who retires; the senior lieutenants having "declined purchasing. In case his Ma-

"jesty shall be graciously pleased to permit the same, I do declare and certify, upon the word and honour of an officer and a gentleman, that I will not now or at any future time, give by any means or in any shape whatever, directly or indirectly, any more than the sum of 3,150*l.* being the price limited and fixed by his Majesty's regulation, as the full value of the said commission.

"I have the honour to be, &c.
(Signed) "R. Sitwell, Lieut. 3 Drags."
"To the Commanding Officer,
"3d or King's O. Regiment of Drs."

"I beg leave to recommend the above, and I verily believe the established regulation in regard to price is intended to be strictly complied with, and that no clandestine bargain subsists between the parties concerned. (Signed) "W. Cartwright,
"Lt. General.

What is the meaning of that mark "Put by?" Put by for the present, until further inquiries were made; the correspondence will explain it.

[Letter signed Lucy Sinclair Sutherland, dated London, 5th of Sept. 1808.—Letter from col. Cartwright, dated 14th Sept. 1808.—Letter from col. Cartwright, dated 18th Sept. 1808.—Letter from major Turner to col. Gordon dated 23d Sept. 1808.—Letter from major Turner to col. Gordon, dated 7th November 1808.—Letter from col. Gordon to Mr. Turner, dated 8th of Nov. 1808.—Letter from Mr. Turner to col. Gordon, dated the 15th Dec. 1808.—Letter from col. Gordon to Mr. Turner dated the 16th Dec. 1808.]

"Portman-street, 5 Sept. 1808."

"Sir; I think your royal highness will readily comply with the following trifling request I take the liberty of making. It is, not to accept the resignation of major Turner of the 3d or King's Own Dragoons, in favour of lieut. Sitwell, *till March.* He has behaved with unkindness towards a Lady who merited different treatment; and it is of importance to her to know where to find him for these *six* months; and if he quits the regt. he means to secrete himself from her. Besides, it is not quite honourable for an officer to wish to leave the army while his regiment is under orders for embarkation. Your royal highness will therefore perceive he does not merit indulgence. ~~The~~ General knows all about it, and can corroborate what I say, if necessary.—Major Turner depends on col. Gordon to expedite his resignation; I depend on your royal highness to prevent his obtaining it for some months. I flatter myself such a trifling and just request you will not refuse. I have, &c.
"Lucy Sinclair Sutherland."
"C. L."

"Place this Letter with Major Turner's Papers.

"Burley, 14th Sept. 1808."

"Dear Colonel; In reply to your inquiries respecting the scrape into which it appears that Captain Turner of my Regiment has got with some woman of moderate repute, I have to say, that I am entirely ignorant of every thing which relates to this matter; but, for your satisfaction, will endeavour to inform myself of particulars, which, when obtained, shall be transmitted to you. Yours, &c.
"W. Cartwright."
"Lt. Colonel Gordon,
&c. &c. &c."
"M. D.—Private.—Put by."

(Copy.)

"Private. "Aynho 22d Sept. 1808."

"Dear Colonel; I trust that the following Extract of a Letter from Lt. Col. Mundy will do away any unfavourable impression that may have been taken, to the prejudice of Major Turner, of the Regiment under my command; and that the business of his resignation may, in consequence, be allowed to go forward without further delay. I remain, &c.
"W. Cartwright, Lt. Gen."
"Lt. Col. Gordon,
&c. &c. &c."

"Extract."

"In no one instance have I ever had occasion to be dissatisfied with the conduct of Major Turner since he has been in the King's Own Dragoons: on the contrary, I have always found him to be a perfectly gentlemanly, honourable man. I believe he has, unfortunately for his own peace of mind, formed a connection with an artful woman, who has brought him to much trouble; but I conceive this is a circumstance which can on no account warrant the putting any obstacle to his views of retiring."
"C. T.—Put by."

"Private." "Canterbury, Friday,
23d Sept. 1808."

"Dear Sir; I am just favoured with a Letter from Lieut. Colonel Mundy, informing of me, my resignation is accepted, and the business will be forwarded without delay. I can with truth say, I have turned my fortieth year, and never had my honour or character called in question, until aspersed by Mrs. S——. When I arrive in London, I will wait upon you, and inform you how Mrs. S—— is in the habits of making improper mention about h. r. h. In consequence of what has happened, and in consideration of my long services, I shall consider it as a great compliment, if I may be allowed to retain my rank as major. I neither ask for half pay, or future promotion; nor should I have ever have made a request, "had it not have been for the very unpleasant communication. I remain, &c.

W. Turner."

"Lieut.-Col. Gordon,
&c. &c. &c."
(Put by.)

"Ipswich, 7th Nov. 1808.

"Sir; I am in possession of facts which places it beyond a doubt that h. r. h. the Commander in Chief did, influenced by Mrs. Sinclair, prevent for a while my retiring from the service.—I appeal to you, Sir, if I merited the effect which such unjust interference produced, after having passed the greater and best part of my life in his majesty's service.—Before I left Canterbury I wrote to you, stating to you my earnest request that I might be permitted to retire from the service, retaining my rank in the army, to which I received no answer. Agreeable to my promise, I endeavoured to obtain an interview with you when I was in London, but I was disappointed, owing to some informality in my application to those in attendance under you. I therefore beg leave to repeat my request upon the subject of retaining my rank in the army: the length and nature of my services, I am convinced, will be a sufficiently strong claim: without reverting to the late transaction exercised by Mrs. Sinclair. I beg to assure you, Sir, it is the farthest from my disposition to take any steps injurious to h. r. h. the Commander in Chief's conduct. I request you will do me the honour to acknowledge the receipt of this, and your answer will regulate my future proceedings. I have, &c.

"Whichcote Turner,
"late of the 3d or King's Own Dragoons,
"and Major in the Army."

"To Colonel Gordon, &c."

(Copy.)

"Horse Guards, 8th Nov. 1808."

"Sir; I have to acknowledge your letter of yesterday, which I have not failed to lay before the Commander in Chief; and I am commanded to acquaint you, that on a complaint being made against you by a Mrs. Sutherland, in a letter, of which the enclosed is an extract, h. r. h. felt it his duty to cause inquiry to be made into the circumstances of the case, before any decision could be given upon your request to retire from the service.—The result of that inquiry being honourable to your character, as appears from the enclosed correspondence from the colonel of your regiment, the Commander in Chief had no further difficulty in submitting your resignation to his majesty, and which was accordingly done in due course.—Upon the subject of retaining your rank in the army, I have to communicate to you, that the Commander in Chief has it not in his power to meet your wishes, the request being contrary to the rules of the service, and has not in any similar instance been acceded to since the Duke assumed the command of the army. I have, &c. J. W. Gordon."

"W. Turner, Esq. Ipswich."

(Copy.)

"Bury St. Edmund's, 15 Dec. 1808."

"Sir; I am preparing to lay before the public, a statement of h. r. h. the Duke of York's conduct towards me.—I beg leave to assure you, I shall make use of your name as seldom as possible, and that with the utmost delicacy. Mrs. Sinclair Sutherland has offered to join me in a publication against h. r. h. the duke of York, which I positively declined. When I taxed Mrs. S. S. with having taken steps injurious to my retirement from the service, having traced her letter into h. r. h. the Duke of York's office, Mrs. S. S. stoutly denied having exerted herself in impeding my resignation. Mrs. S. S. acknowledged she had written to h. r. h. the Duke of York, but it was upon the subject of suppressing a publication; I am unable to say which pamphlet, the one addressed to the king, stiled the Ban Dogs, or Mr. (late Major) Hogan's. I have, &c. W. Turner."

"Colonel Gordon, &c. &c. &c."

"Horse-Guards, 16 Dec. 1808."

"Sir, I have to acknowledge your letter of yesterday, acquainting me, that you were preparing to lay before the public, a statement of h. r. h. the D. of Y.'s conduct towards you, and assuring me, that you should use my name as seldom as possible, and that with the utmost delicacy.—In thanking you for this assurance, which I presume your recollection of former acquaintance in private life has induced you to make, I feel it my duty to relieve you from any delicacy upon that point, and most decidedly to express my wish, that whenever you or your friends may think fit to mention my name, as bearing upon any public transaction in which I may have borne any part, you will have the goodness to use it, free from any reserve whatever, and publish all or any of my letters that may be in any manner connected with it. I have, &c.

(Signed) J. W. Gordon."

"P. S. I take it for granted, that you have received my letter of the 8th Nov. addressed to you at Ipswich.

"W. Turner, esq. Bury St. Edmunds."

(By Lord Folkestone.)

Do you know Mrs. Sutherland? Until I saw her name to that letter, I never recollect having heard of it before, and I never saw her in my life.

Do you know whether Mrs. Sinclair and Mrs. Sutherland are the same person? I have understood that they were so.

You stated in your examination on a former night, that any interference of the D. of Y. the Commander in Chief, with respect to exchanges, would be extremely futile; do you make the same observation as to any interference of the D. of Y. with respect to resignations? I beg pardon, but with great deference, I never said any such thing; I will state what I did say, and explain if necessary.

[The following Extract was read from the printed Minutes, p. 29.]

> "In any conversation that you have had "upon the subject of this exchange with "the Commander in Chief, do you recollect a wish being expressed that the "conclusion of the exchange might be "expedited? No, certainly not, the expression of such a wish would have been "very futile, for it would not have expedited the exchange one half instant; it "would have gone on in the usual course."

Do you mean that any application on the part of the Commander in Chief would have been more futile in regard to the expediting of that exchange than any other? There appears to be some misconception in this, which I will endeavour to explain: on reference to my former examination, it will be seen that the papers were laid before the king but once a week, and that after the Commander in Chief's pleasure had been finally obtained upon the exchange or upon any thing, then the expression of his wish to further that, would not have furthered it one half instant, it would have gone with the king's papers that week: that was what I meant to say, and I hope I did say it.

Then the futility to which you allude, only refers to the time after the Commander in Chief's pleasure has been taken? Most certainly; that is, if the Commander in Chief's pleasure is taken on Wednesday, and that it is the due course to send in the papers to the king on Friday or Saturday, the Commander in Chief's desire to me to expedite would not cause that paper to be sent in to the king on Thursday; that is what I mean.

Then any wish expressed by the Commander in Chief, to expedite an exchange previous to that period, might have the effect of expediting that exchange, might it? I really can only answer that as I have already answered before; that when I lay a paper before the Commander in Chief, and receive his pleasure upon that paper, with him it is final, and it goes before the king in the due course; I mean to say again, that the Commander in Chief desiring me to send in that paper would not expedite it, it would not go separate, it would go with the other papers.

Do you mean that if an exchange is in suspence in the office, an expression used by the Commander in Chief, of a wish to expedite that exchange, would have no effect whatever? O no, I do not mean that; it most undoubtedly would.

Have you ever known any other instance of this sort of interference like that of Mrs. Sutherland? I cannot bring such to my recollection, but I can say, that if that letter had been anonymous, the very same course would have been adopted.

Had you any conversation with the Commander in Chief respecting that letter? I do not think I had, farther than this: I think it will be found, on reference to the papers, that the resignation is dated the same day with Mrs. Sutherland's letter, in which case it is probable that I submitted it to the Commander in Chief at the very same period that he opened the letter; I perfectly recollect the Commander in Chief putting the letter into my hands, and desiring me to inquire into it.

Do you mean, that the resignation is dated the same day that the letter is dated? I believe so.

[It appeared on inspection, that the letters of Messrs. Cox and Greenwood, and of Mrs. Sutherland, were both dated the 5th February.]

When was the resignation forwarded to major Turner? As it is dated on the 5th, and from the agents office, it is most probable I received it on that day, and most probably laid it before the Commander in Chief, in my usual course, the next day at furthest.

When was the resignation accepted? That is also dated in red ink upon the back; it was approved by the king on the 23rd of the same month? it came in on the 5th.

Did the D. of Y. state to you that he knew Mrs. Sutherland? No, he did not.

Nothing about her? Nothing whatever.

[The witness was directed to withdraw.

Mr. WILLIAM NICHOLLS was called in, and examined.

(By the Chancellor of the Exchequer.)

Do you live at Hampstead? Yes.

Did Mrs. C. live at your house at Hampstead at any time, as a lodger? Yes.

What time did she come? In October.

What year? 1807.

How long did she stay there? Till the 25th June following, or thereabouts.

When she came there, did she represent herself as a married woman or as a widow? As a widow.

Did she at any time during her continuance there represent herself in another character? Yes.

Upon what occasion? I understood that she was married to Mr. Dowler.

How did you understand that? She told me so.

Did Mr. Dowler come to her there? Yes.

Was it upon the occasion of his coming to her, that she represented herself to be his wife? Yes.

Did she give any reason for calling herself by the name of Clarke, while she represented herself as married to Mr. Dowler? She stated her reason to be, that if the D. of Y. knew that she was married, he would send Mr. Dowler abroad.

Was Mr. Dowler there frequently during her stay? Yes, very frequently.

(By Lord Folkestone.)

You have said that Mrs. C. represented herself as a widow; in what way did she represent herself, did she tell you she was a widow? Yes, that her husband was dead three years.

When did she tell you that? Some time after she was in the house; perhaps two months.

When did she come into your house first? The latter end of October.

When did she tell you she was married to Mr. Dowler? Soon after Mr. Dowler came to Hampstead.

When did Mr. Dowler first come to Hampstead? I forget the time, it was soon after the expedition returned from Buenos Ayres.

Did she go by the name of Mrs. Dowler? No.

Did you believe that she was the wife of Mr. Dowler? Yes.

Did Mr. Dowler often sleep in the house? Yes.

Was there a French lady in that house? Yes.

What was the name of that lady? Josephine, I think, they used to call her; I did not know her name exactly.

Of how many people did Mrs. C.'s family consist? At first when she came, herself, capt. Thompson, and this French lady.

Any children? Afterwards there were.

How many children? Two, sometimes three.

How many bed-chambers had Mrs. C. in your house? Four or five; she occupied the whole house almost.

Do you know whether this French lady slept with Mrs. C.? No, I do not.

Is your wife with you now? Yes.

Is she here? Yes.

Had you ever any correspondence with Mrs. C.? I do not understand the question.

Did Mrs. C. ever write to you, or you to Mrs. C.? Yes.

Do you recollect when Mrs. C. last wrote to you? Yesterday.

Did you receive a letter from Mrs. C. yesterday? Yes.

When was the last time, before yesterday, that you received a letter from Mrs. Clarke? I do not know exactly.

Have you that letter in your possession? No.

What is become of it? I gave it to a gentleman, a professional man.

To whom? To Mr. Masters.

What is Mr. Masters? An attorney.

With what view did you give it to Mr. Masters? With a view for him to write to her.

Upon what subject? For a sum of money which she owed me.

What were the contents of that letter? I applied to Mrs. C. in town, to ask her to pay me my bill, when she was not to be seen; I told the housekeeper, unless she settled the account with me, I should dispose of some instruments of music that were left in part to satisfy me. The same evening, I received a letter, threatening that she knew I had forged a will, wherein I held an estate. Immediately I took the letter to Mr. Masters, telling him that it was all a falsehood, and desiring him to insist upon getting my money, and to despise her threats.

Was it in consequence of the threat contained in that letter, or in consequence of the debt which Mrs. C. owed you, you gave that letter to this professional gentleman? In consequence of the threat.

How long was this ago? I do not exactly know; I suppose July last, or thereabout.

Have any steps been taken in consequence by that professional gentleman? He wrote to her, and has received no answer; and I do not think any thing else has taken place since then.

Have you ever continued to apply to Mrs. Clarke since that? No, never.

Did you ever receive any rent from Mrs. Clarke? Never.

(By Mr. Wardle.)

In that letter, did she say that you had forged this will, and that she could hang you? I do not exactly know the words, but something to that effect.

You state that you applied to your lawyer upon that subject; why did he not proceed against Mrs. C.? I thought she owed me enough money already, and I did not like to throw good money after bad.

Do you ever recollect saying, you would be up with her for this? No, never to any body.

Do you recollect, that, at any time, in consequence of this business of the will spoken of in that letter, your wife and you parted? Never.

You do not recollect your wife leaving you upon that or any other occasion? No.

Have you in your possession, any letters that belonged to Mrs. C.? Yes.

Have you any objection to producing them? I should not wish to produce them, unless I should be satisfied what she owes me, unless by the request of the house.

[The Witness produced a bundle of letters.]

[The Witness was directed to withdraw.

The *Chancellor of the Exchequer* said, that it was incumbent on the house to take care that these letters were returned to the witness, in case it should appear that he had any lien upon them. He might retain them as security for rent, and it would not be right to deprive him of that security, particularly as it was not in evidence before the committee that these letters had any relation whatever to the subject of the inquiry. If there was any thing in them that bore upon the question before the committee, it certainly would be right that they should be forthcoming.

Mr. *Whitbread* observed, that the property of the witness in these letters would not be destroyed by their being laid on the table of the house of commons. The house had an undoubted right to retain and examine them. It would be proper to ask the witness how he came by them.

Mr. *Wardle* said that the witness had probably read them then, and therefore would be able to state whether they related to sales of commissions.

General *Loftus* objected to the letters being read.

Sir *G. Hill* objected strongly to the production of these letters, and blamed the committee for the course they were pursuing. They might contain Mrs. C.'s private amours for what they knew, and ought not to be heard, unless the hon. gent. would state that he had good grounds for believing they would throw light on his charges.

Mr. *Wardle,* with permission of the committee, begged leave to state all that he knew respecting these letters. He was informed by Mrs. Clarke that she had burned a great number of letters relating to transactions which were the subject of the inquiry before the house, and that she had given some of them to the witness to have them destroyed. A few days ago she learned that he had not destroyed them. He (col. W.) went yesterday to Hampstead, and demanded the letters of the witness. He said he had no objection to give them up to Mrs. C., on her sending a receipt for them. It afterwards appeared from a letter he had written her that he had changed his mind.

The Witness was again called in and examined.

(*By Mr. Wardle.*)

State how you came by those letters—They were sent down to light the fire with.

By whom? By Mrs. Clarke.

Did she desire those letters, when she sent them down, to be burnt? They were sent down merely to light the fire with; they were not given to me, they were put into the closet, and the maid servant used to take them out of the closet as she wanted them.

Do you recollect, at the period these letters were sent down, Mrs. C. burning a great number of letters? I understand so; I did not see her burn any.

You have read many of these letters? I have read them since this business has been in hand.

Are you aware that any of these letters relate to the circumstances that had been under the consideration of this house? Yes, I think they do.

[The Witness produced two other bundles of letters.]

[The Witness was directed to withdraw.

Mr. *Yorke* objected to the reading of such a mass of papers, which were not known to pertain to the business before the Committee, and might perhaps be improper, as well as unnecessary. He proposed that a small Committee might be appointed to select what were proper, and lay them before the Committee.

Mr. *Barham,* who had loudly opposed the withdrawing of the witness with the papers, said, that if the right hon. gent. had consulted the interests of the country, or of the Duke of York, he would not thus have interposed. He contended, that if any papers were referred to a Select Committee, the country would imagine they contained things which the house wished to be concealed. It would not do, after all the irrelevant matter that had been admitted in their proceedings, to shut their eyes now. They must go on, since they had once begun.

Mr. *Whitbread* proposed that the letters should be delivered to Mr. Wardle, who might make the selection of such as were necessary to elucidate the matter he had brought before the house. His fair and manly course would justify this confidence.

The *Chancellor of the Exchequer* thought there was no apprehension as to the letters being destroyed, after being brought voluntarily to the bar. This was a difficult point to decide. He could not think of receiving letters in evidence which could not be proved as written by any one; which might be anonymous, and full of lies. He also disapproved of Mr. Whitbread's suggestion, and without meaning any disrespect to Mr. Wardle, was sure that hon. gent. would agree with him, that to be placed in the situation of selector would not be conducive to the ends of general justice.

After a long and desultory conversation, in which many plans were suggested, and in which Mr. Beresford, Mr. Canning, Mr. Barham, Mr. Whitbread, Mr. Adam, Mr. Brand, lord Porchester, Mr. Wynne, and Mr. Wardle, took part, it was at last agreed to refer the letters to a Select Committee, to reject those that were irrelevant, and lay the others before the house.

[The Witness was again called in and examined.]

(*By Mr. Wardle.*)

Have you in your pocket the whole of the letters you took out of the house? Yes.

Produce them. [The witness produced them.]

(*By Mr. Whitbread.*)

Were you advised not to deliver those letters to Mrs. C.? No.

Is that your hand-writing? Yes, it is.

[Letter from Mr. Nicholls to Mrs. Clarke, dated 13th Feb. 1809, read.]

"13th Feb. 1809.

"Madam; I received your's respecting your "letters; and on turning the matter in my "mind, I don't know how far I am autho- "rized to give them *even* to *you*, as having "been applied to from another quarter "on the same business; and as I most cer- "tainly shall be obliged to attend the "House of Commons, I will look them all "up and produce them there.

"In fact, I think you ought to settle my "account before you ask me for any thing.

"I am your obedient servant,

"Mrs. Clarke." "W. Nicholls."

(*By Mr. Wardle.*)

From what other quarter was it you were applied to for the letters? From no other quarter; I was waited upon by a gentleman on the same buisness, but in turning it in my mind, I did not know that I was even to give them to any person, without the consent of the house.

Who was the other gentleman? I do not know his name.

Are you certain you do not know his name? I do not know his name.

Did you know his name yesterday? No, I did not.

Did you tell me his name yesterday? I do not recollect that I did, I am confident I did not know his name.

Recollect yourself.—I am confident I did not know his name.

Did you not tell me his name was Wilkinson? I believed it was Wilkinson, but I mistook the name, and I do not know the name now; the person who came mentioned the name of Wilkinson, but it was not the person's name who came to me; though I might say it was Wilkinson to Mr. Wardle, I was mistaken.

Do you mean to say, that the person who came said he was sent by Mr. Wilkinson? He mentioned the name of Wilkinson, but I am not certain in what way he used that name.

Whom did this person say he came from? He came from Mr. Lowten.

Whoever it was he came from, did he ask for any particular letter, or only applied to you upon the general subject? He said nothing about letters.

(*By Lord Milton.*)

What did you mean when you wrote that you had been applied to upon the same business from another quarter; what do these words mean? I meant the business of this inquiry.

(*By Mr. Wardle.*)

Did the person coming from Mr. Lowten request that you would not produce those letters? No, he knew nothing at all about letters.

What did he ask for? He asked me some questions about Mr. Dowler.

What application did this person make to you? He asked me some questions about Mr. Dowler.

Did this conversation relate to nothing but Mr. Dowler? Mr. Dowler and Mrs. Clarke.

What did he say upon the subject of Mrs. C.? I forget almost what he asked me; he asked me a few questions about them, and I told him that she told me she was married to Mr. Dowler.

What did he say upon the subject of papers? Nothing at all.

Why then do you assign this person called upon you from Mr. Lowten, as the reason for not returning the letters to Mrs. C.—For no reason for the person having called on me from Mr. Lowten; but on turning the matter in my own mind, I thought it most prudent so to do.

Then why have you stated in your letter, that this person having called upon you was the reason for not returning the letters to Mrs. C.? In turning it in my own mind, I thought that I might be censured by the house, understanding that I must attend this house, for delivering those letters to Mrs. C.

Had you, at the time of writing that letter, received an order from the house to produce these letters? No.

(*By the Chancellor of the Exchequer.*)

Did the person who came from Mr. Lowten desire you to keep back those letters, and to suppress them? He said nothing at all about them; he did not know that I had a letter, to my knowledge.

(*By Lord Folkestone.*)

At the time you saw that person, had you received an order to attend this house? No.

What made you suppose you should be obliged to attend this house? Because the gentleman, who came, said he supposed I must attend this house.

Have you seen that person since yesterday? Yes.

Where? I saw him; he came to Hampstead to-day, and I came to town with him.

Did he go to Hampstead to fetch you? Yes.

Did he carry down the summons to attend this house? No.

How came you to come to town with him? He came there after I received the summons; I did not expect he would come there.

His name is not Wilkinson? No.

Do you know what his name is? I should know what his name was if I heard it; I have heard it to-day, but do not recollect it.

Is it Williams? No.

Did he say any thing to you to-day about the letters? No, he knew I had the letters to-day.

But he did not speak to you upon the subject? No; I believe his name is Wright, but I am not sure.

You stated in the former part of your examination, that you believed Mrs. C. was Mr. Dowler's wife; did you ever apply to Mr. Dowler for the satisfaction of your debt? Never.

Why did you not? I had not an opportunity.

Did you ever seek for an opportunity? No, I do not know that I ever did; I was not anxious about the business; I did not suppose but what I should be paid.

(By Mr. Charles Adams.)

In what profession are you? A baker by business.

How long have you lived in Hampstead? 8 or 9 years.

You are a housekeeper there? Yes.

(By Mr. Hibbert.)

You have stated, that you believed Mrs. C. was Mr. Dowler's wife, and you have also stated that she told you when she came to Hampstead she was a widow; did you suppose the marriage with Mr. Dowler took place at Hampstead? No.

Why then did you believe that she was Mr. Dowler's wife, when she had previously told you she was a widow? Mrs. C. left my house and went to town; when she returned, Mr. Dowler returned with her, or near that time; it was after that time that Mr. Dowler was in the habit of coming, that she told me she was married to Mr. Dowler.

(By Mr. Beresford.)

You have stated, that you received a letter yesterday from Mrs. C.; what are the contents of that letter? I have it in my pocket.

[The Letter was read.]

"Mrs. Clarke will esteem herself greatly obliged "to Mr. Nicols, if he will send, *as he has "promised*, all her letters by the bearer, "who she sends in compliance with the "arrangement made by him two hours "ago." Monday, 1 o'clock.
"Mr. Nicols,
"opposite New End, Hampstead."

Who was the bearer of that letter? I do not know who it was, a servant on horseback.

What did Mrs. C. mean by the arrangement? I suppose she means the conversation between Mr. Wardle and myself on the subject.

Repeat as nearly as you can that conversation? Mr. Wardle called on me, to apply for those letters, and I told Mr. Wardle I was not inclined to give them up; in fact, I should not think fit to give them up without an order from the person to whom they belonged. Mr. Wardle left me, with the supposition that I should deliver the letters up when I received an order from Mrs. C.; but on turning it in my mind, I did not think fit to give them up even then.

(By Sir G. Hill.)

When did Mrs. C. know that you had these letters? I do not know how she knew it; perhaps I might mention to some one that I had these things, and it might come to her knowledge by that means.

Mr. JOHN REID was called in, and examined.

(By the Chancellor of the Exchequer.)

Where do you live? In St. Martin's lane.

Do you keep an hotel in St. Martin's lane? I do.

Do you know Mr. Dowler? I do.

How long have you known him? About two years, I believe; I cannot be exact to the time.

How long has Mr. Dowler frequented your house? About two years.

Do you recollect his coming there at any time with a person whom he represented to be his wife? I do.

When? At all of the times he was in town, at some time or other.

Has he been frequently at your house with a person whom he represented as his wife? Not very frequently.

Do you now know who the lady was whom he so represented as his wife? I do not.

Was it the same person that always came with him? The same person.

When was that person last at your house, that you knew her to be there? I think last Friday se'ennight, the day that Mr. Dowler came to town.

You do not know who that lady is? I have heard, but I do not know of my own knowledge.

Has Mr. Dowler supplied any body with wine from your house? No, Mr. Dowler has had some wine from my house.

Where has that wine been sent to? I believe somewhere by Bedford-square, I think, but I do not recollect; if I had expected to be asked the question, I would have made myself sure of it.

Did the lady who came with Mr. Dowler, go by the name of Mrs. Dowler? Certainly she did, or she would not have been in my house.

Was the person who was with Mr. Dowler on Friday se'ennight, at your house, the lady who used to be with him under the name of Mrs. Dowler? The same.

Did you ever hear her go by any other name but that of Mrs. Dowler? No.

Did you ever address her yourself by the name of Mrs. Dowler? I did.

Did she answer to that name? Most certainly.

Are you sure it was on Friday se'ennight that this lady was at your house for the last time? The last time that I saw her.

Are you sure as to the day? To the best of my recollection.

Are you sure it was the day Mr. Dowler arrived in town? I think it was.

Are you certain of that fact? As well as my memory serves me, I am.

Have you seen that lady any where in the neighbourhood of this house since you came? I have not.

She passed as Mrs. Dowler on that evening? Yes, she did.

Have you ever heard Mr. Dowler call her by the name of Mrs. Dowler? Yes, I have.

And she answered to that name? Yes.

[The Witness was directed to withdraw.]

GEORGE ROBINSON was called in, and examined.

(By the Chancellor of the Exchequer.)

Are you the porter at Slaughter's hotel? Yes.

Do you know Mr. Dowler? Yes.

How long have you known him? From the time that he returned from the expedition that came home from Buenos Ayres; that was the first knowledge I had of him.

Did you ever see with him any lady that he called by the name of Mrs. Dowler? Yes.

At your master's house? Yes.

Living with him there? For a short time.

As his wife? Yes, as his wife.

Do you know who that lady is? Yes.

Who is it? She goes by the name of Mrs. Clarke, to my knowledge.

How do you know that? By the public talk I have heard that of her; nothing further.

Have you ever been to her house? Yes, in Bedford-place, leading from Bloomsbury-square to Russel-square.

Was there any name upon her door there? Not to the best of my recollection.

Did you ever carry her any thing there? Yes.

What? Wine.

From your master's? Yes.

Who ordered that wine? I received the order from my master.

Have you seen her at your master's house lately? I have not.

Have you seen her since Mr. Dowler's return from Spain? I have not.

Have you seen Mr. Dowler there since? Yes, I have.

To whom was the wine directed to be carried? Mrs. Dowler.

To be carried to No. 14, Bedford-place? Yes.

You would know the lady if you saw her? Yes, I believe I should.

Have you ever seen her at any other place, or carried wine to her any where else? Yes.

Where? At the end of the King's Road, I believe it is called Westcott Buildings, or something of that sort, leading to Sloane-square.

What name did you carry it to there? Mrs. Dowler.

When? I might say I believe it was the 13th or 14th of December last.

Who ordered that wine? I am not sure.

[The Witness was directed to withdraw.]

SAMUEL WELLS was called in and examined.

(By the Chancellor of the Exchequer.)

Are you a waiter at Slaughter's coffee-house? I am.

Do you know Mr. Dowler? Yes.

Do you know Mrs. Dowler? By name.

Have you seen her? By the name of Mrs. Dowler I have seen her.

Have you heard her called by that name? I have.

When did you see her there last? It might be about eight days ago.

Do you recollect the day of the week? I cannot.

In whose company was she? With Mr. Dowler.

How long did she stay there? One night.

Do you happen to know what the real name of that lady is now? Not till I had seen it in the paper.

Have you seen her any where else? No where else but at our house.

(By Lord Folkestone.)

Did you ever deliver a letter to this lady, directed to Mrs. Dowler? No, I have not.

(By the Attorney General.)

Was Mr. Dowler ever there with any other lady except this? Not to my knowledge.

[The Witness was directed to withdraw.]

[The Chairman was directed to report progress, and ask leave to sit again.]

Mr. *Wardle* proposed to call in Mrs. Favery for examination, but the serjeant at arms appeared at the bar, and stated that she was not in attendance.

The *Chancellor of the Exchequer*, after stating that it would be necessary to summons one of these witnesses for to-morrow, in order to identify Mrs. C. asked Mr. Wardle, whether he had any further charges to prefer?

Mr. *Wardle* replied, that he was not yet prepared to state the nature of a Charge which he meant to adduce, if he found the evidence satisfactory. If he should find it so, he should bring it forward to-morrow night.

The *Chancellor of the Exchequer* expressed a wish, that the hon. member would have the goodness to state the charge, in order that the accused might be prepared to bring forward evidence in his defence.

Mr. *Wardle* said, it was impossible for him to state the charge at that moment, but he would be decided respecting it in the morning, and should take the earliest opportunity of informing the right hon. gent. of it.

Lord *Folkestone* stated that, in consequence of the probable engagement of his hon. friend upon the business of the committee to be appointed, inquiring about the letters disclosed by Mr. Nicholls, he had undertaken to investigate the case he had alluded to, and he should apply himself to the investigation in the morning.

The *Chancellor of the Exchequer* could not conceive how there could be any difficulty in stating the nature of the charge: surely, after so much inquiry, it was rather hard to keep the public or the accused any longer in suspence; it was obviously desirable, that some information should be communicated as to this new charge, in order that evidence respecting it, if any, should be in readiness, and the case should close on both sides to-morrow night. He wished much, therefore, to know the description of the intended charge, with a view to have it forwarded to the D. of Y. without delay; otherwise, there might be a difficulty, or at least, a delay in meeting it, against which delay it must be desirable by all parties to guard, after an inquiry so long protracted.

Lord *Folkestone* said, that in its present state it could not be mentioned.

Mr. Secretary *Canning* was really surprised at the nature of the replies given to his right hon. friend. It was quite extraordinary, that a charge should be threatened, the object of which the accuser refused to explain, adding to that refusal a confession that he has still to look out for evidence to substantiate it. Neither in parliamentary proceedings nor legal record had he ever heard of any charge so vague and indefinite.

Lord *Folkestone* denied that the charge was either vague or indefinite, for this simple reason, that no charge whatever was made. It was because some doubt hung over this charge that it was not mentioned. If, while such doubt existed; if before the investigation of the evidence appearing to support it, any charge were stated, then his hon. friend or he might be exposed to the imputation of preferring an unfounded charge which he could not substantiate. But he felt the propriety of the course which he was pursuing. He was not ashamed of his conduct, nor was he afraid of the consequence of any imputation which the right hon. gent. might throw out upon his character.

The *Chancellor of the Exchequer* disclaimed the idea of throwing out any imputation against the noble lord.

Lord *Folkestone* observed that he did not mean the right hon. gent.

The *Chancellor of the Exchequer* resumed. He regretted that the charge was not explained, or some of the parties involved in it mentioned, in order that means might be afforded to the accused in due time to meet it, and to prove, if in his power, that it was groundless.

Mr. *Whitbread* thought the observations of the right hon. gentlemen on the Treasury Bench of rather an extraordinary character. An imputation seemed to be thrown out, that it was intended to bring forward a charge in a manner calculated to take the accused by surprise. If any such imputation (and he was sure it could not) were meant to attach to his hon. friend, or the noble lord, he was confident it was groundless. But if it were possible for any man to entertain the intention which seemed to have been imputed, that house would defeat it. That house was not so circumscribed in its limits as to precipitate a termination of the inquiry, and refuse the accused a full opportunity of defending himself against any charge that might be brought forward. Athough it was understood that this charge was to close to-morrow night, it did not follow that it should, if it appeared necessary to extend it farther. He had no doubt that the noble lord would do his duty in examining the case referred to; but whatever the event, he trusted that house would do its duty, and that if an attempt were made from any quarter to withhold justice, such attempt would be baffled. On these grounds, he saw no reason for pressing so much for the statement which the right hon. gent. desired.

Mr. *Canning* did not mean to throw out any imputation, but he must say, that he retained his opinion, that the proceeding which formed the subject of the conversation was most unusual and unprecedented.

Mr. *Beresford* thought it too hard thus to press the hon. mover. He had already brought forward charges against the D. of Y. in which he had confessedly failed, and it was but fair to afford him some time for inquiry and reflection, in order to save him from similar failures.

The *Speaker* suggested the form of a motion in the Committee, which was a necessary preliminary to the appointment of the Committee for examining the Letters given in by Nicholls.

This motion was put and carried. The house resumed; and it was ordered, on the motion of Mr. Wharton, That a Committee should be appointed to examine the Letters alluded to, and to report to the house such Letters, and such parts of letters, as had any bearing upon the question referred to the consideration of the committee of the whole house. Upon the motion of the Chancellor of the Exchequer, the Committee was ordered to consist of the following members, three of whom are to be a quorum, namely, Mr. Wardle, Mr. W. Wynne, Mr. Croker, Mr. Brand, and Mr. Leach.

[MILITIA ENLISTING BILL.] Lord *Castlereagh* moved that this bill be read a third time, to which he had produced two new clauses; the one extending the provisions of the bill to the fencible regiments of Royal Miners belonging to the counties of Cornwall and Devonshire; and the other restraining the operation of the bill, whenever the militia establishment fell as low as two-fifths of the quota provided by the act of 1807. The noble lord said, that the principle upon which his Bill went, was, that the Militia regiments should not be weakened to less than two-fifths of their numbers, following the regulation laid down in 1807, nor exceed three-fifths of that number.

Colonel *Frankland* complained, that the noble lord had introduced this clause by surprize upon the house in the last stage of the bill, without having allowed any opportunity for considering it in its various bearings. It was a clause which would go totally to change the established order of the Militia, and went in a particular degree to affect the regiment with which he happened to be best connected. It would operate as a premium to those counties which had been negligent in carrying into effect the Militia act, and tend to encourage such negligence for the future, while it would operate as a heavy and oppressive penalty on those counties which have done their duty by completing their ballots, as it was upon such counties only this bill would have operation, by creating the necessity for a new ballot where the ballots had already taken place to their fullest extent.

Lord *Castlereagh* said, this clause did no more than carry into effect the principle of the former Militia Enlistment bill, which allowed the privates in each regiment, to the number of three-fifths, to enlist into the line. With regard to any partial oppression upon counties which had completed their ballots, and the operation as a premium to others which had not completed their levies, apprehended by the hon. gent. his fears were groundless; for by the last returns of the different counties, it appeared that of the 36,000 men to be raised, the deficiency was not more than 2000 and a fraction, so that the operation of the bill must be general. Besides, in the other bill which he meant to bring forward on the subject, a very considerable relief would be afforded to the ballotted men, towards the means of providing substitutes.

Col. *Loveden* joined in the objections of col. Frankland.

Lord *Castlereagh* had no objection to withdraw the amendment, not wishing to press it without allowing time for further consideration.

The *Speaker* observed the clause had now passed the first and second readings, and was agreed to by the house, and therefore could not be withdrawn consistently with the forms of proceeding. The Clause was read a third time and agreed to. Several other amendments were then moved by lord Castlereagh, and agreed to.—Upon the question being put that the bill do pass,

Lord *Milton* rose to object to it altogether, as being a measure introduced in direct violation of what he always understood to be the positive pledge of the noble lord upon the introduction of his former bill; namely, that it was not to be adopted as a regular and permanent system, but only to be resorted to on great and urgent occasions. It was upon the strength of this promise that many gentlemen were induced to agree to the principle, who never expected that the noble lord would convert a measure, avowedly of temporary pressure, into a regular and permanent system. But now, without stating any such emergency, the noble lord revived the measure, and seemed to rest upon it as a regular expedient for recruiting the troops of the line. But the measure itself could not fail to produce the most mischievous effects upon the discipline and morality of the militia regiments themselves, by exposing the privates to be tampered with by intoxication and other means equally destructive to morals and discipline, in order to induce them to enlist; and therefore, even if it were objectionable upon no other ground, it was highly so upon this. One great object of keeping up the militia force within the country, was, that it might be ready to meet an enemy in case of invasion: but if by the principle of this bill the best disciplined men of the militia regiments were to be drafted into the disposable force, and the militia regiments thus reduced to skeletons, and left to be filled up with raw levies, the noble lord would not say, that regiments so circumstanced, and only called out for a month in the year, could be fit to meet an enemy in the field. He therefore thought the country rather hardly dealt by in this measure, not only upon the ground he had stated, but by the oppressive burthens which a fresh ballot would impose. The noble lord, it seemed, had at last found out that the ballot was oppressive on the people; and he had found out an expedient for easing the burthen, by allowing to each balloted man ten guineas towards the bounty for procuring a substitute. The only operation however to be expected from this was to raise the price of substitutes, and impose in another way, a heavy burthen on the country. This was truly a most notable expedient, one which it was quite impossible the noble lord himself could expect to produce the effects he proposed. Upon the whole, he was decidedly averse, after so recently carrying into effect a militia ballot throughout the country, to resort again to another, and thus for the noble lord to come forward, year after year, with a measure like this, totally subversive of the original intent and constitution of the militia, and converting it to a mere vehicle for recruiting the line.

Mr. *Shaw Lefevre* was also averse to this measure, and testified to the severity with which the militia ballots operated. He regretted that the noble lord should bring forward the present bill, and urge it through the house, before he introduced the other bill, of which he had given notice. On the former occasion, both bills were brought forward together, and the house had an opportunity of discussing them in their progress. He wished the noble lord to state when he meant to introduce his other bill.

Lord *Castlereagh* answered that it would be in the course of a week.

Sir *George Warrender*, though wishing to increase the disposable force of the country, thought the means proposed by this bill circuitous, inefficacious, and hostile to their own operation. He should rather at once vote for a bill to enable the whole of the militia to volunteer into the line, than take away one half of the militia, and leave the other to be filled up by recruits. It would be infinitely less oppressive to ballot men at once for the line.

Mr. *Windham* rose, and said, that if he forbore troubling the house at present at any length, it was not from want of a due sense of the many and radical objections to which the present measure was liable; but as another Bill was shortly to be introduced, when there would be full opportunity of discussion, he should reserve himself for that occasion; though it was rather unfortunate that his observations would come after half of a measure had been already adopted. But, while the present Inquiry into the Conduct of the Commander in Chief which so occupied their attention, to the exclusion of the weightiest considerations, considerations affecting the very existence of the empire, lasted, it was difficult, if not impossible to find opportunity for any other discussion. By the mode they had thought proper to adopt in conducting that inquiry, which, however, he thought could have been attained by a different course, as effectual, and certainly more speedy, it was now found they could not calculate upon its probable conclusion; on the contrary, they had no controul whatever over their own proceedings, for a single woman (Mrs. Clarke) had shewn that she could rout them horse and foot; it was, therefore, he thought the noble lord should not have brought the business on in such a situation. However detrimental the course they had adopted of prosecuting the Inquiry was, both to the service of the country and to the character of the house, they were thereby reduced to the necessity of submitting to see a measure which was only temporary, become permanent, without either the attention or attendance of the house. He should, therefore, reserve himself till the opportunity arrived of discussing it attentively, only contenting himself with saying, that however politically hostile he might be to the present administration, there was no measure, their conduct respecting Spain not excepted, he would sooner take, whereon to form a just estimate of the weakness of their counsels.—The Bill was then passed and ordered to the Lords.

HOUSE OF COMMONS.

Wednesday, February 15.

[Irish Peculators.] Sir *J. Newport* wished to ask the right hon. secretary for Ireland, whether or not any steps had been taken for the criminal prosecution of the late collector for Cork, in consequence of his embezzlement of the public money?

Sir *A. Wellesley* answered, he did not understand that any steps had been taken for his prosecution: he was now, however, in gaol.

Sir *John Newport* then gave notice, that he should, on Friday next, move for leave to bring in a Bill to constitute Embezzlement of the Public Money by any collector or agent entrusted with the receipt thereof, a felony, without benefit of clergy.

[Stamford Writ.] Lord *Henniker* rose to call the attention of the house to the subject of a motion made by an hon. gent. yesterday, for a writ to issue for the election of a member for Stamford, in the room of gen. Bertie, now a peer of the united kingdom. But first, he moved that the act be read which explained the cases wherein members should be deemed to have vacated their seats.—[It was read accordingly.]—The noble lord then observed, that although he was sure the motion of the hon. gent. last night for the writ in question to issue, was made with the worthiest motives, yet it appeared to him that his zeal was rather premature, as such a motion could only be warranted by a thorough conviction of the fact that the hon. general had really vacated his seat; by a letter in his hand from gen. Bertie, it appeared that that hon. member was not himself conscious of having vacated his seat; neither did he appear, under the meaning of the act now read, to have done so, by any thing stated in the motive assigned for the hon. gent.'s motion. It was true, indeed, that gen. Bertie had ground to consider himself as next heir to the noble title of Lindsey, and consequently a peer of the united kingdom, and might have received his summons under the great seal to assume that title; but, then he was not summoned to take his seat as a peer of parliament, which was necessary, in order to vacate his seat in that house, where peers of Ireland and Scotland, not of the upper house of parliament, might sit as members. Besides, so far from being actually in the possession of the title of Lindsey, it was necessary for the hon. general to go into the investigation of records for 160 years, in order to prove his claims. He, therefore, concluded by a wish to put some motion for withdrawing the writ, or annulling the order of yesterday.

Mr. *Madocks* said, that he was not aware of the circumstances now stated by the noble lord, when he made his motion for the writ yesterday. It had been communicated to him, that gen. Bertie was come to the title, and summoned to the upper house, and therefore feeling that the right of election and representation was the privilege of the electors of Stamford, he had moved for the writ.

The *Speaker* rose to state, with leave of the house, what occurred to him on the subject. It was usual with the house to give credit to the statement of any of its members which met with no contradiction, and therefore when the hon. member stated yesterday as a fact the circumstance which was the ground of his motion, and no objection was made, the house, as a matter of course, agreed to it, and the order was made accordingly. But now that the house was better informed upon the subject, it would be competent for them to amend the proceeding by an order to supersede the writ. Something similar had occurred in the case of gen. Egerton, the presumptive heir to the duke of Bridgwater.—The writ was ordered to be superseded.

[Major Covell.] Mr. *Whitbread* stated to the house his wish to attract its particular attention for a very few moments. Although he had no distinct proposition to make, he still hoped for its indulgence, as his object was to do justice to the character of a very meritorious officer, whose feelings were wounded in consequence of some part of the examination of colonel Gordon, last night, in the committee. He alluded to Major Covell.—That respectable officer was that day introduced to him, and during the short period of his interview, expressed the apprehensions he entertained, lest from what appeared in the papers of the day, an impression might go abroad injurious to his character. He then presented to him the paper which he (Mr. W.) held in his hand. It was a letter from major-general Leith, expressive of the high opinion which that officer entertained of the meritorious services of major Covell, an opinion not expressed alone in general terms, but justified by a reference to his able conduct in commanding the 76th regiment, in the late masterly retreat of the British army, under the lamented sir John Moore.—Major Covell was anxious that he should state these circumstances to the house, to protect his reputation from any unmerited aspersion. In answer he (Mr. W.) did assure him that not a doubt existed in the breast of any member of the Committee, relative to his meritorious character and conduct, nor was there any symptom manifested by any person of a wish to cast the remotest suspicion upon either. An irrelevant examination had been gone into, in which colonel Gordon was reduced to the necessity of an answer referring to him; but such examination was subsequently expunged from the minutes of the committee.—I do hope, said Mr. Whitbread, that the house will excuse this tresspass upon its attention, and that it will perceive that the sole object is to satisfy the feelings of a distinguished officer, (hear! hear!) apprehensive of undeservedly suffering in the estimation of his country, from the tendency of certain questions, put by a Committee of this house. I now beg leave, without either comment or observation, to read the following letter from major-general Leith to sir Thomas Musgrave:

"No. 10, Cork-street, Burlington-street,
14th Feb. 1809.

"Sir—Having had the honour to command a Brigade in Spain of which the 76th regiment formed a part, I trust you will pardon my addressing you on a subject of a regimental nature, which the interest I feel in a corps that has faithfully served under my orders, and justice to major Covell, who commanded, have principally prompted. It is due to major Covell to state, that the late much regretted lieutenant colonel Symes, from having been employed on other duties and ill health, commanded the 76th regiment but one day in the field, near Lugo, where he was obliged to relinquish it; previous and subsequent to that period major Covell paid the greatest attention to his charge, and I had hoped, that under the circumstances of the vacancy occasioned by the death of lieutenant colonel Symes, he would have received the vacant commission. I apprehend it was not known to the Commander in Chief, that during the whole of the arduous retreat of the late army major Covell had charge of the regiment, and without disparagement to lieutenant colonel Shaw, it could not fail to be a circumstance of a depressing nature, to find that officer, who was a subaltern in the 76th regiment, after major Covell had been five years a captain, now placed over him in the regiment.—In the anxious desire which I feel for the promotion of an old and respectable officer, I have to hope you will acquit me of the most distant supposition that the interests of the 76th regiment are not perfectly attended to by you as its natural guardian. And believe the respect with which I have the honour to be, Sir, your most obedient, &c. &c.

"James Leith, Maj. Gen.

"General Sir Thos. Musgrave, Bart."

Sir *Arthur Wellesley* wished permission to say a few words in consequence of what was stated in the letter just read. He had the honour of knowing both lieut.-colonel Shaw and major Covell, and of both he had a very high opinion. But notwithstanding the suggestions in that letter, he did not think it at all surprising that lieut.-col. Shaw, who in 1804 was a lieut. colonel, should be appointed to a regiment in preference to major Covell, who was not promoted to his majority until 1807. He himself had known col. Shaw in the 76th regiment so long back as the year 1787, and, from his services in India with the 76th, that officer had claims for promotion in that particular regiment. It was under the conviction of such claims that he thought proper to recommend the appointment to his royal highness the Commander in Chief, conceiving it probable that lieut. colonel Symes would have been allowed to sell his lieutenant-colonelcy. That sale the Commander in Chief did not allow; but, when col. Symes was changed to a garrison battalion, the appointment of col. Shaw took place.

Mr. *Whitbread* had, in reply, only to impress upon the house, that major Covell had been thirteen years a captain, and then purchased his majority.

The *Speaker* then interfered, as there was no question before the house.

[Conduct of the Duke of York.] Mr. *Leach* reported from the Committee, appointed to inspect certain Letters which were delivered in to the Committee of the whole house, appointed to investigate the Conduct of h. r. h. the Duke of York, and to report to the house such of them, or such parts of them, as may be relevant to the matters referred to the consideration of the said Committee of the whole House. The Report was as follows: "Your Committee have inspected the several letters referred to them by this honourable house; and, in pursuance of their instructions, they have selected those letters inclosed in a bundle marked A. But they beg leave to remark, that they do not wish it to be understood that all these letters afford direct evidence applicable to the subject now made, or any which may hereafter become the subject of inquiry; but your Committee do not conceive themselves authorized to judge whether these letters are admissible evidence."

Lord *Folkestone* now rose to move the order of the day for the house to resolve into a Committee upon the Inquiry respecting the Conduct of h. r. h. the Commander in Chief. But first he hoped to be indulged with the liberty of a few observations, in consequence of what had passed last night. He felt it unnecessary to say any thing with respect to himself, or the part he had taken in this proceeding; but he hoped the house would do justice to the motives and conduct of the hon. gent., whom he was happy to call his hon. friend, but who had been more than once stigmatized, in the course of this enquiry, by the appellation of the accuser. His hon. friend, he would say, had not been fairly dealt by: for in the arduous and important task he had undertaken from an imperious sense of public duty, he had not been allowed to proceed in the mode he himself would have chosen, but was forced to adopt the line suggested by a learned gentleman in that house, who was the avowed friend and adviser of the party accused. He believed this was the first time when, on any similar proceeding, the person bringing forward a charge for the sake of public justice was refused the liberty of choosing his own mode of conducting his proceeding, and forced to adopt the line pointed out by the friend and adviser of the accused. His hon. friend had been obliged to go on day after day, without interval or respite, under the fatiguing exertions inseparable from the duty he had undertaken, up to the very moment when he (the noble lord) seeing him oppressed, and sinking under the task by mere fatigue of mind and body, had come forward to his assistance. His hon. friend, in the side he had taken, was allowed no such assistants as a Lowten, or a Wilkinson. He was obliged to do the whole duty, and seek evidence where he could find it. The noble lord trusted it would never be forgotten in that house, that it would be held in everlasting remembrance by the country at large, that his honourable friend had been obliged to follow up his duty, under threats repeatedly held out to intimidate him. Menaces had been frequently uttered, that infamy would attach to him if he failed in his pursuit. But, nevertheless, his honourable friend had gone on, day after day, in spite of such menaces, and performed his public duty, as became a member of that house. Having stated thus much in behalf of his hon. friend, there were some other points to which he had now to call the attention of the house, in respect to some papers to which he had alluded yesterday, and the particulars of which he did not think he was bound to conceal from the house. As to any attempt at stigmatizing the motives by which he was actuated, he felt the most perfect indifference. In addition to the proofs in the hands of his hon. friend, a clue to other documents had been given him by a gentleman who did not wish to be brought forward; but who stated that he had seen in the possession of a person in the city some papers of an important nature, chiefly affecting the D. of York. Those papers, he said, were in the hands of a person who did not wish to produce them. He did not name the person, but left it for conjecture to find him out from the mere suggestion of a remote clue, that he was the solicitor to a banker, whom he named, and that they had come into his hands in consequence of a bankruptcy. There were several bankers of the same name; but he (Lord F.) undertook the inquiry, and found out the solicitor, called on him, and asked him if he had the papers? He said he had. He was then asked whether he would produce them? He answered, that he wished not to do so. His reason was asked: and he answered that he did not wish to appear at the bar of the house of commons, lest he might be looked upon as an informer, or his name held up to the public coupled with some of the persons who had been examined there. Some pains were taken to obviate his objections; but he said he was afraid the right hon. gent. the Chancellor of the Exchequer, and his connections, might injure him in his professional pursuits; indeed, his principal apprehension seemed to be of professional injury. He was asked, if it was a matter of etiquette in his profession, in cases of bankruptcy, not to produce such papers; and he answered, 'No,' but said, that as the matter was taken up as a ministerial question [No! no! no! from the Treasury bench] he was afraid to produce them, as the consequences to his family might be injurious, and he should be ruined in his profession. This case, to the noble lord's own personal knowledge, was not the only one in which important evidence on this subject had been kept back on similar grounds, for he knew of several officers in the army who could offer very important evidence, in support of the charges, but who could not be induced to come forward, avowedly through the apprehension that they would, in consequence, suffer severely in their professional pursuits, and be ultimately ruined.—It was early in the morning of this day when he had last seen the solicitor. Inquiry was made whether the papers were then in his possession; and he answered 'No,' frankly declaring that he had purposely put them out of his possession, that he might assign that as a reason for not producing them. He was asked whether they were destroyed; the reply was, that they were not; for he had handed them over to a friend. He had left the noble lord with a promise, that he would immediately consult a learned gent. the late Solicitor General (sir S. Romilly) to whom he would submit the business, take his advice how to act, and acquaint the noble lord with the result at a quarter past three that day. The noble lord said he attended at the time and place appointed: but instead of the man, he found a note from him, stating that his learned friend was professionally engaged before the Master of the Rolls, and he could not see him, but would take a speedy opportunity of consulting him, and would act according to the advice he should give him.—The noble lord said, he felt it his duty to communicate these circumstances immediately to the right hon. the Chancellor of the Exchequer, to move for the production of these papers, and the attendance of this solicitor, for which he had already moved. As he had not seen those documents, he could not say they would bear directly on the case of the army; but as the disposal of places under government had been frequently mentioned in the course of this inquiry, and as he understood the papers in question bore directly upon that subject, he hoped there would be no objection to their production. When they should come before the house, he should suggest that, as in the case of the letters produced last night, a select Committee should be appointed to examine them, and report their opinion, touching the matter contained therein.

The *Chancellor of the Exchequer* said, that the noble lord had been particularly strenuous in calling on the house, and on the country, to hold the way in which the hon. gent. (Mr. Wardle) had been treated in opening this business, and the way in which the noble lord himself had been treated, yesterday, in everlasting remembrance. If so, he (Mr. Perceval) hoped it would also be held in correct remembrance. The noble lord was correct in saying, that it was the anxious wish of gentlemen on that side of the house, out of regard, not to their own feelings only, but to those of the royal Duke, that every thing should be as fair, open, and public as possible. But did it from thence follow, that the mode of proceeding, which had been followed, had been forced on the hon. gent. (Mr. Wardle)? Except the noble lord himself there was not a dissentient voice in that house against the mode of proceeding which had been followed. The plan adopted, therefore, was not one pressed on the hon. mover (Mr. Wardle), or on the house, by his hon. friend (Mr. Adam), or himself, but was one on which there was not a contrary opinion, but in one or two instances, in the house. A gentleman behind him had opposed the mode adopted for the very reason, if he at all understood the opinions of the noble lord and the hon. mover of the Inquiry, that they would have supported it, namely, that it was too public a mode of investigation, not, as it was now insinuated, that it was calculated to obstruct public justice. If his memory, however, did not fail him, the hon. gent. himself had not stated, that he wished for a select committee, but only for a committee. The noble lord had indeed proposed a select committee; but no reluctance had been shewn by the hon. gent. (Mr. Wardle) to the mode of proceeding since adopted. It had not been pressed on him reluctantly, but had been acquiesced in by the unanimous and consentient voice of the house. Was it then fair conduct to be observed towards any member of that house? Was it fair towards the house of commons itself—that they should be represented as guilty of harsh, improper, and unparalleled conduct towards the mover of the accusation—or should be held up to the public as impeding, what every one was more anxious than another, to investigate and bring to light? If they were to be tried for such an offence, it was only necessary for their acquittal, that their conduct should be fully known! There never was a case in which more fairness, or a greater desire to afford every assistance in the investigation of truth, manifested itself. It was no wonder, therefore, that his feelings were excited when he heard the conduct of their proceedings so arraigned. He could not forbear, however, referring to one proof of the approbation of the hon. gent. himself (Mr. Wardle) of the whole of the conduct of the cause. During the whole of the proceedings there had not been a single division. Not a single proposition had been insisted on by the hon. gent. (Mr. Wardle), and in which he persevered, which had not been conceded to him, or in the negative to which he had not acquiesced, by waving a decision upon it. The noble lord would not take it amiss that he, (Mr. Perceval) declared his conviction, if there was a member of that house who would not acquiesce in any thing of which he did not approve, without pressing the question to the only mean by which its merits could be properly decided on, the noble lord was that person. In addition to the feeling which naturally attended an adherence to what a man thought right, the noble lord would here have had the peculiar pleasure of holding up his boasted minority, however small, to the applause and admiration of the country—a gratification of which he would not willingly have deprived himself, had a favourable opportunity presented itself. The noble lord had also complained that things were not allowed to take their natural course, but that the business had been pressed forward with unbecoming rapidity. He did not recollect any instance of this kind. It was but fair that in so momentous charges, no delay should take place, but the hon. gent. himself could not have forgotten that on one occasion, when one day seemed more convenient to the hon. mover than another, the more remote day, because the more convenient to him, was fixed on. As to the charge of infamy attaching to one party or another,—all that was meant, or had been said, was, not that infamy must attach either to the hon. gent. or to the royal personage; but that, if the accusations were false, and a conspiracy should be found to exist, infamy would attach to those who had been the cause of stigmatizing his royal highness; and if the gentlemen, who brought forward the accusations, should be found to have too easily lent themselves to an unprincipled conspiracy, that they would not, by their conduct, have added to their own credit. As to the unfair attack of which the noble lord complained, he was ready to say now what he had said last night, namely, that the noble lord was very right in not referring to any particular case, until he knew whether or not he could produce the papers. But there had been no stigma whatever cast upon the noble lord. He certainly knew the solicitor to whom the noble lord had referred, but he must beg leave to decline the recollection of having done him any favour; at least, if he had, the gratitude of the person obliged was stronger than his own memory; but the noble lord had forgotten to tell, that when he called upon him (the Chancellor of the Exchequer) in the morning, he had expressly hoped that no sense of obligation in the solicitor to him, would prevent the papers being produced, and the affair investigated. But the noble lord had gone very far indeed, when he stated that information of officers competent to give it, had been refused, for the fear of government's displeasure. It was easy for any man to see that this was an attempt to create prejudice in the minds of the people. It was a most unfair and ungenerous assertion. The noble lord, however, went too far in stating that there were various instances in which the investigation had been obstructed in this case. He would not put it to the noble lord's everlasting recollection, but he would put it to his candour, to say what impression such a statement was calculated to make on the public mind? What, then, would be said, not that there might be charges, which if gone into might implicate the character of the royal person alluded to; but that there was something which prevented the sifting the charges to the bottom, and that many others could be adduced if required. Would it not be equally fair and candid to suppose, as the hon. mover must have felt, that the investigation into some of the charges at least did not support him in his original statement, that those which remained unopened were of this description, and would be found equally defective? He submitted to the noble lord, if it would not be better, before moving for a Select Committee, similar to that which had already been appointed, to try what the summons of the house would do, and if he himself could not in the mean time procure the inspection of the papers. He was sorry to have delayed the house, but it was impossible for him to have remained silent after what had fallen from the noble lord.

Lord *Folkestone*, in explanation, stated, that with respect to the new cases, he did not say that they were numerous, but that this was not the only one which could not be proceeded in from want of evidence, arising from the cause he had assigned. As to the charge of infamy, he repeated, that it had been asserted that infamy must fall somewhere—on the accused, if guilty; on the accuser, if he could not substantiate his charges. [Hear! hear!]

Mr. *Adam* said, that it was customary in the house to give to the different members the character which belonged to them: to a baronet the appellation of "the worthy baronet"—to a member of the learned profession that of "the learned gent."—and to the unprofessional members of the house that of "the hon. gent." It was most irregular and unjust to use any descriptive epithet but such as he had mentioned. He complained, therefore, in the strongest manner, of the term "*professed adviser* of the Duke of York," used towards himself by the noble lord. If the noble lord had said, that to the suggestion of "a learned gent." the line of conduct adopted by the house was owing, he should have had no observation to make; but when it was to go forth to the public that he, a member of parliament, acted in a parliamentary proceeding as the *professed adviser* of the Duke of York, he had reason to complain of such an expression, and endeavour if possible to counteract its tendency. He begged the house would excuse his calling their attention to a subjection wholly personal; he owned he was actuated by the most serious feelings on this subject. He was anxious in the most solemn manner to repel the imputation which that appellation might cause.—He knew how unpleasant it was to the house to listen to personal observations, but it was important to him that he, whose life had been passed in the discharge of a variety of public duties, should endeavour to preserve the character which he trusted he had acquired without touch or stain. He was not aware that on any occasion he had failed in the discharge of the various obligations which had from time to time been imposed upon him; whether during his parliamentary life of above twenty-five years, or in the private concerns of his family, exposed as he had been to encreasing pressure, to the *res angustæ domi*; by which, however, he had never been tempted to deviate from the strict line of political or moral integrity. Although the hon. gent. by whom those charges were originated had intimated that the appointment of a Select Committee to investigate them would accord with his opinion, he had not thought proper to move for such a committee. An hon. gent. opposite had suggested proceeding by a parliamentary commission; with those two exceptions, he did not recollect a dissenting voice against the course ultimately adopted by the house. He appealed to the house, whether there had been the least interruption to the most free and unrestrained enquiry. With respect to himself, he was in the judgment of the house, whether he had ever said or done any thing that gave a colour to the appellation of "professed adviser of the Duke of York." He hoped that the country would be satisfied that this matter, which had been introduced publicly, had been conducted openly, and in a manner that was in the highest degree honourable to the house of commons.

Lord *Folkestone* declared, that he certainly had applied the epithet of "learned" to the learned gentleman; but at all events he was sure that when he called him the "adviser of the Duke of York," he did not mean to cast any imputation on his integrity.

Mr. *Calcraft* blamed the noble lord for the censure which he had chosen to pass on the house, and for the assumption which he had chosen to make in stating that his honourable friend, in the charges which he had brought forward, had been supported by himself alone. Had that hon. gent. been so deserted as his noble friend described him to be, he should not have wanted his aid; but having on a former occasion, upon an inquiry into the conduct of the Medical Board, witnessed that hon. gent.'s ability, he should have thought it highly indelicate had he thrusted himself into his councils unasked and uncalled for. That hon. gent. had evinced the utmost manliness and delicacy in standing on the ground on which he had chosen to stand, single and unsupported. He had rested his character on the event, and the event would justify him; but it was not becoming any member to arrogate to himself peculiar praise on this occasion. The noble lord ought to give credit to others for acting on principles similar to those on which he had himself acted.

With respect to the noble lord's panegyric, he thought he had read it in some publication; if not, perhaps he might yet do so. He could not, however, but be of opinion, that it would have proceeded with more propriety from any other lips than his own.

Lord *Folkestone* said, he had not meant to pass a panegyric on himself: he had been misrepresented. All he alluded to was the assistance that he might have rendered his hon. friend out of that house.

The House then resolved itself into the Committee; Mr. Wharton in the Chair.

Mr. *Wardle* said, as he had understood that some suspicions had been sent abroad relative to the authenticity of the D. of Y.'s letters, whose writing had been only spoken to by Mrs. Clarke, he now wished to have the matter put beyond doubt.

The *Attorney General* said, he did not believe the writing had been denied in that house, and that when any hon. member brought forward a letter in the house, he generally substantiated it by as good evidence as he could produce.

Mr. *Wardle* wished to have the two letters of Samuel Carter to Mrs. Clarke read.

Mr. *Leach* suggested the propriety of proving the hand-writing.

Mrs. MARY ANN CLARKE was called in, and examined.

(By Mr. Wardle.)

Do you know the hand-writing of Samuel Carter? Yes, I do.

Do you know that to be his hand-writing? Yes, I do.

Is that also [another letter] his hand-writing? Yes, and that also [a third letter.]

Have you ever seen him write? Yes, I have, many times.

Do you know the hand-writing of gen. Clavering? Yes, I do.

Have you ever seen him write? Yes, I have, many times.

Do you know that [a letter being shewn to the witness] to be his hand-writing? Yes, it is. [Three other letters being shewn to Mrs. C.] These also are gen. Clavering's hand-writing.

Is that the hand-writing of baroness Nolleken? [a letter being shewn to the witness] Yes.

Is that also? [another letter] It is.

Did you ever see the baroness write? Yes, I have; and that also [a third letter] is her hand-writing.

Did you ever see Mr. Elderton write? There are three Mr. Eldertons.

Did you ever see the Mr. Elderton write by whom those letters are subscribed? Yes; I got him a paymastership in the 22nd Light Dragoons; these three are all his hand-writing; it is the eldest Mr. Elderton. Before I leave the house I beg leave to say, I never in my life told Mr. Nicholls that I was married to Mr. Dowler, and that the D. of Y. would send him abroad, nor any thing of the kind. I rather think he has been bribed by Mr. Wilkinson.

[The following Papers were read: Letter from Samuel Carter to Mrs. Clarke.—Letter from the same to the same, dated 2nd Oct. 1804.—Letter from the same to the same, 4th Jan. 1805.—Letter from gen. Clavering to Mrs. C., 30th June, 1804 (No. 6.)—Letter from the same to the same, 5th Sept. 1804 (No. 43.)—Letter from the same to the same, 28th Sept. (No. 36.)—Letter from the same to the same, 11th Nov. 1804 (No. 67.)—Letter from the same to the same, 12th Dec. 1804 (No. 44.)]

“ 20th Sept. 1804.

“ Hon. Madam; I wrote to the Inspector general (Gwynn) for leave of absence on the
“ 14th, but received no answer, which has
“ thrown me into a great dilemma, having
“ this morning been put in orders to hold
“ myself in readiness to do duty in a day or
“ two. The adjutant informs me, if I have
“ not my regimentals ready when called
“ upon, I shall be put under an arrest. Permit
“ me, madam, to hope that your goodness
“ (which I have experienced so often
“ in the greatest degree possible) will extricate
“ me from so unpleasant a situation,
“ by obtaining me leave of absence speedily.

“ Hon. Madam, the favour of a line would
“ tend to disperse those fears which have
“ been some time prevalent with me, which
“ was occasioned by your silence, (viz.) that
“ some part of my conduct has offended
“ you: from gratitude, I say with energy,
“ God Almighty forbid. Accept, madam,
“ the sincere thanks and acknowledgments,
“ of your grateful servant, Sam. Carter.”

“ Note. Having wrote to h. r. h. for
“ leave, I received an answer, directing me
“ to apply to the Inspector General.”

“ Mrs. Clarke, 18, Gloucester-place,
“ Portman-square, London.”

“ Isle of Wight, 2nd Oct. 1804.

“ I was extremely sorry at not having had it in
“ my power to wait until you came in from
“ the baron's, in order to thank you for the
“ kind benevolence I have ever experienced
“ from you, and which has made so deep an
“ impression on my heart and mind as not
“ to be erased by time. Hon. madam, I
“ have still to beg the continuance of that
“ benevolence; for, having placed me in a
“ situation which requires a great number of
“ expensive things at first, and notwithstanding
“ having laid out my money with the
“ greatest economy, I find it inadequate. I
“ have now the offer of a barrack room,
“ (which will save the expence of lodgings)
“ but I have no cot, or any money to buy
“ one; neither have I any to subsist on till

"the 24th. If, madam, you will extend "your kindness toward me once more, it "will ever be gratefully remembered by, "madam, your sincerely thankful servant,

"Samuel Carter."

"Hon. Madam, I have set the things "down which I bought, by which you will "see the state of my purse.

	£.	s.	d.
"Belt and Feather	1	8	0
"To Sword and Sash	6	3	0
"Gorget and Sword-knot	1	8	0
"Paid Lewis	7	0	0
"Do. Laundry Maid	0	10	6
"Do. Taylor's Bill	2	3	0
"Trunk	1	11	6
"Gloves and Stockings	1	2	0
"Silk Handkerchiefs	0	14	0
"Round Hat trimmed	1	14	0
"Watch from pledge	2	3	0
"Boots and Shoes	3	10	0
"Expences down	2	5	0
"Borrowed at Depôt	6	2	6
"To Jacket and Trimmings	4	5	0
"Total	£.41	19	6

"Mrs. Clarke, 18, Gloucester-place."

"Clarendon Transport,
"Spithead, 4 Jan. 1805."

"Hon. Madam; Impelled by my dreadful si- "tuation, and my perfect knowledge of "your goodness, I trust you will pardon the "liberty of addressing you again.—Since my "last, the embarkation has taken place, and "I am now on board in a situation not to "be described. You can form a better idea "of it than in my power to express. I have "no stock for the voyage, neither have I "any money to purchase those little things "which are absolutely necessary. I have "to keep watch four hours every night, and "have nothing to eat but salt meat three "times a week, and water to drink, the rum "being so bad, 'tis impossible to drink it.— "Your goodness to me has ever been such "as leaves not the smallest doubt that you "will not suffer me to starve in the situation "you have been pleased to place me, and "which is such as will ever tend to make me "the most grateful and happy of beings.— "Should, madam, you be induced to take "into consideration my wretched case, and "by a little pecuniary aid save from every "thing that is horrible, it will be an act wor- "thy of yourself, and imprint that upon my "heart which will never be erased. I am, "madam, your grateful servant,

"Samuel Carter."

"Be so kind as direct the letters to be "left at the Post Office, Portsmouth."

"P. S. We shall lay at Spithead this fort- "night.—Having received orders to sail to "Cork this morning, I have opened the let- "ter, in order to pray you would direct to "Cork, but we only stay there 24 hours, as "the convoy is appointed."

"Mrs. Clarke, 18, Gloucester-place."

"Bishop's Waltham, 30 June, 1804."

"My dear Mrs. C.; Where your note of Wed- "nesday has been travelling, as it only ar- "rived here this morning, I have no notion, "and it had not reached Conduit-street at "five o'clock Wednesday afternoon, when "I quitted town. The disappointment is "provoking, as I particularly wished to have "seen you. But we must console ourselves "in the hope of more fortunate times.

"Very truly your's, H. M. Clavering."

"Mrs. Clarke, 18, Glo'ster-place."

"Bishops Waltham, 5th Sept. 1804."

"My dear Mrs. C.; You mention that h. r. h. "did not comprehend my proposal; my "idea was this; the Defence Act, Article "30, states 'that men to be raised by that "'act, are not compellable to serve out of "'the United Kingdom and islands imme- "'diately attached." And in 32, 'that they "'shall not remain embodied for more than "'six months after the peace.' We have "already experienced the fatal necessity of "disbanding corps at an apparent conclu- "sion of war, and the mischief arising from "holding out temptation to men to extend "their services.

"My proposal then was to raise a batta- "lion for *general and unlimited service*, by "the voluntary offers of a stipulated num- "ber of men from each regiment of militia, "at a certain bounty, in the same manner "as some of our regiments were augmented "during the last war. The battalion to be "solely officered from the half pay list, by "which government would at once acquire "a certain effective and well disciplined "force, whose services they can to any pe- "riod command, the half pay be lightened, "and the militia colonels have no reason to "growl, since it is determined that their es- "tablishment is to be reduced, towards "which the men so volunteering would con- "duce.

"Should an opportunity occur, do sub- "mit the plan to h. r. h., without arguing "too strongly upon it, as he must be tired "to death with proposals; and as I would "not appear, even through so circuitous a "channel, to trespass on his patience, when "so recently under an obligation for my pre- "sent appointment.

"If you approve of dry reading, get the "Defence Act to refer to, and do commu- "nicate all the good things in the good town.

"Always very truly your's,
"H. M. Clavering."

"28 Sept."

"My dear Mrs. C.; I shall not pursue the "partridges on the first of September: on "the contrary, propose being in London in "the course of the morning, and beg you "will send me word at the Prince of Wales' "Coffee-house, whether you can receive me "in boots about six, or later, if you please.

"Very truly yours, H. M. Clavering."

"Mrs. Clarke, 18, Glo'ster-place."

“ Bishops Waltham, 11 Nov. 1804.”
“ My dear Mrs. C.; The purport of this is to
“ thank you for your attempt to serve me,
“ though unsuccessful, the inclination being
“ the same. On Sunday next I propose
“ being in town, if possible, for one day only.
“ Can you so contrive that we shall meet?
“ Your's very truly, H. M. Clavering.”
“ Mrs. Clarke, 18, Glo'ster-place.”

“ Bishops Waltham, 12 Dec. 1804.”
“ My dear Mrs. C.; There is a strong report,
“ that some *new* regiments are about to be
“ raised, which, tho' incredible, I will be
“ obliged to you to ascertain the truth of,
“ and to acquaint me *soon as possible*——
“ W. O. left me this morning for town, to
“ return again next week. Very truly yours,
“ H. M. Clavering.”
“ Mrs. Clarke, 18, Glo'ster-place.

Mrs. MARY ANN CLARKE was again called in, and examined.

(By Mr. Wardle.)

Through what influence did you get the paymastership for Mr. Elderton? The D. of Y. obliged Mr. Greenwood to give it, very much against Mr. Greenwood's wishes.

Was it any military matter upon which the baroness Nolleken wrote to you? No, it was not.

[The Witness was directed to withdraw.

Sir *G. Warrender* said, that many questions had been asked during the enquiry on subjects not merely military, as in the case of Dr. O'Meara, and he did not see why the usual course should now be stopped.

Mr. *Bathurst* said, that if the application from the baroness Nolleken related to a civil appointment, it could not possibly be admitted as evidence on an inquiry which was purely of a military nature.

Sir *G. Warrender* was still of opinion, that the question was as proper as many others that had been put in the course of this investigation.

Mr. *Leach* observed, that Mrs. C. had already answered that the appointment solicited by baroness Nolleken was not a military one, and as the present investigation was merely military, consequently the question was not a proper one to be pressed.

Lord *Folkestone* was forcibly struck with the objection started by the learned gent., and therefore thought, that with a view to discharge the duty they owed the public, the Chairman should be instructed, on the breaking up of the Committee, to move for an enlargement of its powers.

The Witness was again called in and examined.

(By Mr. Wardle.)

In consequence of the baroness Nolleken's letter, did you apply to the D. of Y. upon the subject of that letter? Yes, I did, but I do not know what that subject is; there are several wishes the baroness had, that I applied about; I shewed all her letters to him.

You have stated, that the D. of Y. obliged Mr. Greenwood to give the paymastership to Mr. Elderton much against his consent; how do you know that? H. r. h. told me so himself; and very likely Mr. Greenwood will say so too.

Look at those letters again, and say whether they are all written by the same person? Those are her letters (No. 41 and 119): when she was ill her eldest son wrote for her; I should rather think this (No. 127) is her eldest son's writing.

(By Mr. Leach.)

Did you ever see the eldest son write? Yes, I think I have; but I cannot be positive as to his hand-writing; only I know the baroness has frequently told me that she had ordered her son to write to me when she has been ill.

(By Mr. S. Bourne.)

Is the letter which you say was written by the son of the baroness, one of those which you just said was written by the baroness herself? Yes, it is one of those; but you will allow that I had not a moment to look over it; and another thing, those letters have been taken without my consent, and I have not looked at them myself; I had sent them down to be burned, and never thought they would come forward again, and this is near a twelvemonth since.

Do you mean by the eldest son of the baroness Nolleken, Mr. Le Maitre? No, Gustavus Nolleken.

Have you ever seen him write? Yes, I have seen him write, I think; but I cannot be positive as to his hand, any further than I said before, that he used to write his mother's notes.

Do you mean to say that those letters were written only twelve months ago? No; I suppose there are dates to them, to shew when they were written.

Do you know the hand-writing of any other son of baroness Nolleken? No; I was acquainted with the two sons, but I do not know the writing; the youngest son was in the Guards, and was very seldom with his mother; the other was always with his mother, and a great deal with me.

Then you cannot positively state that this is the hand-writing of any one son of the baroness Nolleken in particular? No, I cannot; perhaps it is the baron's writing; he used to write to me.

(By the Chancellor of the Exchequer.)

In short you do not know whose hand writing it is? I hardly looked at it; I know pretty well what the subject is, and whence it came; the baroness wanted a pension of 400*l*. a year, and, if I recollect right, that is the letter about it.

[The Witness was directed to withdraw.

Mr. *Leach* observed, that it was for the Committee to decide whether the letter was evidence; and until the Committee should so decide, that it was improper for the witness to state the substance of it. He therefore should move that the last answer be expunged, as, if the letter should be decided to be evidence, it would be read as such.

Sir *T. Turton* was of opinion, that the answer ought not to be expunged.

Mr. *C. Adams* thought, that, as the letter had, amongst others, been referred last night to a Committee, to ascertain which related to the business then in a course of investigation, and had been produced by that Committee, he could not see why it should not be read as evidence.

The *Chairman*, referring to the Report of the Committee, stated, that the Committee, had not given any opinion, whether the letters are now, or were hereafter, to be considered admissible evidence.

Mr. *C. Adams* considered them as admissible evidence.

Sir *T. Turton* declared that unless some understanding should be come to about it, he should feel it his duty to take the sense of the Committee on the question for expunging the last answer, if the hon. member should persist in pressing it.

The answer was allowed to remain on the Minutes.

[The following Papers were then read: Letter from Mr. Elderton to Mrs. Clarke (No. 63.)—Letter from Mr. Elderton to Mrs. Clarke, 3d Dec. (No. 49.)—Letter from Mr. Elderton to h. r. h. the Duke of York, 17th April (No. 112.)—Letter from the baroness Nolleken to Mrs. Clarke, (No. 119.)—Letter from the same to the same, dated Thursday, 5 o'clock (No. 41.)]

"My dear Madam; Nothing but the pardonable anxiety which I naturally feel for the "welfare of a child, should induce me to presume to trespass upon you at present. You "know my boy Charles, he is a fine youth, "with a finished education. His appointment "to a Cadetship in the infantry for Madras "was confirmed this morning, and I shall "engage him a passage on board the "Ocean, which will sail from the Downs in "about five days. Charles must leave "town for *Portsmouth*, and go on board *on* "*Wednesday next*. Do you think, my dear "Madam, that h. r. h. the D. of Y. will "condescend to honour him with letters of "recommendation to lord William Bentinck, *Governor* of Madras, and to major "general sir John Francis Craddock, k. b. "the Commander in Chief there; desiring "them to exchange him from the infantry, "and place him in the cavalry?

"If you will confer upon us both the very "great favour of soliciting h. r. h., to deign "to confer upon us this distinguished obligation, it will for ever remain deeply engraven upon the grateful hearts of Charles "Elderton, and of, My dear madam,

"Yours very sincerely.

"Friday 18 Jan." "H. Elderton."

"I have this moment received a summons to "attend Mr. Greenwood, who has heard "from Scotland, and desires me *not* to "make any *preparations for a voyage*. I "fear all is over in that quarter, but I shall "know to-morrow, and will immediately "afterwards wait upon you.

"Mrs. Clarke, 18, Glo'ster-place."

"21 Portman-street, 3d Dec."

"My dear Madam, I fancy you are (and I sincerely hope you ever will remain) a perfect stranger to anxiety, otherwise I think "you would not have left town on Friday, "without first gratifying me with a reply to "my last. Perhaps you will have the goodness to introduce the subject to the notice "of h. r. h. on Monday evening, and so enable yourself to oblige me on Tuesday "morning with such an answer as may "serve to guide the conduct of Your faithful servt. H. Elderton."

"Mrs. Clarke, 18, Glo'ster-place.

"Sir; It is infinitely beyond the power of language to convey to your royal highness "an adequate idea of the extent of my gratitude for the great favour which you have "deigned to confer upon me, in confirming "the leave of absence granted to me by sir "Robert Abercrombie. Your royal highness has raised me from the most profound despair to happiness, and I shall "never cease to bless your royal highness "for your gracious condescension and "goodness towards Your royal highness's "most devoted servant, H. Elderton."

"17 April.

"His Royal Highness the Duke of York, "&c. &c. &c.

"Gloucester-place, Sept. 22."

"My dear Madam; I am this moment favoured "with your very kind letter; this fresh "mark of your friendship gives me great "pleasure. I hope the change of air has "perfectly restored your health, and that I "shall have the satisfaction of seeing you "return to town in as good looks as ever. "My dear Baron, with his best respects to "you, begs you will have the goodness to "assure h. r. h. of the deep sense of gratitude he feels for the Duke's gracious remembrance of him, and thinks with you

"that his majesty would be more liberal to "him than Mr. ——— if he dare presume to judge from his majesty's goodness "to him for these forty years past, on every "occasion. I hope the weather has been "as fine at Margate as in London; it has, "thank God, quite restored my health. I "flatter myself you will favour me with a "visit on Wednesday, any time most agree-"able to you to name; for, be assured, I "enjoy very sincerely the pleasure of your "society, exclusive of the gratitude I shall "ever feel for the kind interest you take "for me and mine. Adieu, my dear "Madam. Believe me yours most truly,
"Mrs. Clarke, "M. Noleken."
"Royal Hotel, Margate, Kent.

"Dear Madam; I see by the papers, that the "D— was with the king yesterday morn-"ing, and that Mr. Pitt had a private au-"dience of his majesty, I therefore indulge "a hope that my request may have been "thought of; do then, my dear Madam, "inform me in what state of forwardness it "now stands, when and by whom my letter "was given, and how received. Pardon my "giving you the trouble of answering me "*all* these questions, but the very *kind* part "you have taken in this business, assures "me you will pardon me, and think it but "natural I should feel *anxious* in a matter "of so much consequence to me and mine. "A thousand thanks for the carp you were "so good as to send me yesterday, and with "my kindest wishes, be assured, My dear "Madam, I remain most sincerely, your "most obliged, M. Noleken."
"Thursday, five o'clock."
"Mrs. Clarke, 18."

The *Chancellor of the Exchequer* called the attention of the Committee to the circumstance that the letter which had been just read, purporting to be from Mr. Elderton to the D. of Y., was without a seal. It had probably been enclosed in a cover to Mrs. C. to be sent to his royal highness or not, as that lady pleased, but it was found in the custody of Mrs. C. herself.

THOMAS WALKER was called in, and examined.

(*By Mr. Wardle.*)

Did you live with Mrs. C. in Gloucester-place, as coachman? Yes.

Do you recollect a footman there, of the name of Samuel Carter? Yes.

Was Samuel Carter in the constant habit of waiting at dinner, while he was there? Yes, he was.

Do you know Miss Taylor? Yes, I do.

Have you frequently seen her in Gloucester-place? Yes, I have.

(*By Lord Folkestone.*)

Do you recollect and know whether Sam. Carter was in the habit of going behind the carriage? Yes, he did.

Were you head coachman at Gloucester-place? I was.

How many horses did Mrs. Clarke keep; Sometimes six, sometimes eight.

How many carriages? Two.

Never more? No more at one time,

Do you know who provided the keep for the horses? Mrs. Clarke.

Did she pay the bills? As far as I know, she did.

Were they paid through you? No, they were not.

(*By Mr. Yorke.*)

Did Samuel Carter wear a livery? No, he did not.

How do you know that Samuel Carter ever waited at table? I waited at the same time.

Did you ever wait at table when the D. of Y. was there? I did.

Did you wear a livery when you waited at table? I did not.

(*By Mr. C. Adams.*)

When Samuel Carter went behind the carriage, did he go behind the carriage without a livery? Yes, he did.

Had Mrs. C. any livery for any of her servants? Yes, the footman.

Did you wear a livery when you drove the carriage? I certainly did.

(*By Mr. Sumner.*)

Do you know with whom Sam. Carter lived before he came to Mrs. C.? I understood he was along with captain Sutton.

Did you ever see him at Mrs. C.'s when he was capt. Sutton's servant? I did not.

When you said he was along with capt. Sutton, did you mean that he was capt. Sutton's servant? I did not.

When he lived at Mrs. C.'s, did he dine with the other servants? He did, for any thing I knew.

Did you dine with the other servants? I did not.

Were you upon board wages? Yes, I was.

Did you ever hear whose son Samuel Carter was supposed to be? I never did.

How many more servants did Mrs. C. keep? Sometimes six, sometimes seven.

You have stated, that you waited at table; do you recollect Miss Taylor dining there when you waited at table? I recollect when h. r. h. and Mrs. C. dined together, there was another lady.

Do you know who that other lady was? I do not.

Do you mean that you do not know or do not recollect? I do not recollect.

(*By Mr. Wardle.*)

Do you know Miss Taylor? I do now.

You have stated before, that you know Miss Taylor; are you certain that you ever saw Miss Taylor in Gloucester-place? I am certain I have.

(*By Sir J. Sebright.*)

What did you understand Samuel Carter was to capt. Sutton? I never heard what he was.

You do not know that he was not a servant? I do not.

How long have you lived with Mrs. Clarke? About three years.

With whom do you live now? With Mrs. Clarke.

(*By the Attorney General.*)

When did you first live with Mrs. Clarke? At the time that h. r. h. came to Gloucester-place.

Have you lived with her continually ever since? I have not.

When did you leave her? After Mrs. Clarke left Gloucester-place.

When did you return to her service? About six weeks ago.

You did not live with her at any time between her leaving Gloucester-place and six weeks ago? A little while after she left Gloucester-place.

Did Samuel Carter very frequently go behind the carriage? Not more than once or twice.

How long had Samuel Carter lived with Mrs. Clarke? I think about a twelvemonth, to the best of my knowledge.

WILLIAM M'DOWALL was called in and examined.

(*By Mr. Wardle.*)

Did you live with Mrs. Clarke as footman, in Gloucester-place? Yes.

Do you recollect the name of the other footman that was there at the same time? His name was Carter; by the name I cannot say any further.

Did you and the other footman, of the name of Carter, do your work together? Yes.

Do you know Miss Taylor? I know a lady of the name of Miss Taylor, but I cannot recollect her, there are so many of the name; I cannot say that I know any thing particular; I know the lady that used to go down to Weybridge of that name; that is all I can say.

Do you recollect that Miss Taylor being in Gloucester-place as well as at Weybridge? I cannot say; I have known a lady of the name of Miss Taylor that used to call there, but I cannot say that I should know her.

Do you recollect the lady whom you speak of as Miss Taylor, the lady that was at Weybridge, being at Gloucester-place? Yes, I do by that name.

Do you recollect Miss Taylor ever being at Weybridge when the Duke of York was there? I cannot say, the Duke of York might be there; but I cannot speak to that, for the reason, because I do not know it.

Were you in the habits of going to Weybridge with your mistress? Yes.

Did you ever see the Duke of York there? Yes, I cannot say but I did.

You also state, that you have seen Miss Taylor at Weybridge; can you recollect whether you ever saw Miss Taylor at Weybridge at the time the Duke of York was there? I have told that before, that the Duke of York might be at Weybridge, for any thing that I know.

(*By Lord Palmerstone.*)

Was Carter employed in any other manner, except waiting at the table? Yes, he was employed as a servant; when I went into the house he acted as a servant, as far as I know.

Did he dine with the other servants? Yes.

(*By the Attorney General.*)

Did Carter act in the same capacity as a servant, as yourself? I suppose so; he did the work along with me, that is all I can say.

Do you live now with Mrs. Clarke? No, I do not.

Are you in place now? Yes, I am.

With whom? With Mr. Johnson.

What year did you live with Samuel Carter at Mrs. Clarke's? That I cannot recollect; I cannot say, justly.

On the motion of col. Vereker, the witness was ordered to withdraw.

Col. *Vereker* stated his object to be to call the attention of the committee to the state in which the witness had come to the bar. The witness appeared to be drunk, and in such case it became the house to make an example of such a person. [A cry of Move! move!)—On the question being put that Mrs. Favery be called in,

Mr. *Sumner* expressed his surprise that the committee had not resorted to some proceeding on the suggestion of the hon. member. [Hear! hear!] At all events, if it was the opinion of the committee that the witness was drunk, he was of opinion that his evidence ought to be expunged from the minutes.

Mr. *Bathurst* admitted that it must have been obvious to every gentleman, particularly those who sat near the bar, that the witness had taken more liquor than he ought. But he had given his evidence as clearly as any other witness who had been examined at the bar; and he thought it beneath the dignity of the house to take any notice of the state in which he was.

Mr. *Sumner* then moved, that the evidence of the last witness be expunged from the minutes. This was the more necessary, as the Committee seemed agreed that he was drunk, and he had been suffered to withdraw without any censure.

Sir *T. Turton* begged the hon. gent. to reconsider his motion, as it was a question upon which the committee might be called upon to divide. He admitted that the witness was in a state indecorous for a person at the bar of that house. But his evidence was not material enough to require so strict a measure as that of expunging it from the minutes.

Mr. *W. Smith* was not surprised at the feeling manifested by the hon. gent. for the dignity of the house. But there was a great difficulty in drawing the line for the interference of the house in animadverting upon such impropriety. He hoped that the hon. gent. would be influenced by what had fallen from the hon. baronet, and wave his motion.

The *Chancellor of the Exchequer* observed, that if the question was as to the punishment of the individual, it would be desirable to take into consideration the time he had been summoned. But he thought that the whole of what they desired might be attained without expunging the evidence, by an entry upon the minutes that the witness was, at the time of his examination, in a state of intoxication.

Mr. *Dennis Browne* understood the course to be pursued by the right hon. gent. to be, that a minute should be made of the state of the witness when he gave his testimony. There could be no objection to such a course, when it was recollected that the witness had been ordered to withdraw from the bar intoxicated, by the motion of an hon. member (loud laughter.) He repeated that the witness was intoxicated, and unless the Committee should agree to the entry upon the minutes of that circumstance, he should vote for the motion for expunging the whole of that witness's evidence from the minutes.

Mr. *C. Adams* stated, that though the witness was in a state of intoxication, he had given his evidence in a clear and intelligible manner.

Mr. *Whitbread* stated, that the evidence, if left on the minutes, would speak for itself.

Mr. *Sumner*, acceding to the proposition of the right hon. gent. (the Chancellor of the Exchequer) begged leave to withdraw his motion.

The *Chancellor of the Exchequer* observed that the Committee was in a state in which they ought to decide whether the evidence was or was not to be allowed to remain, without some particular notice, upon the minutes. If the witness was competent to give consistent and satisfactory evidence, he should not have been ordered from the bar whilst under examination by a member; and if he was in such a state as to require his being removed from the bar, then his evidence ought not to be suffered to remain on the minutes without the entry which he had suggested.

Colonel *Vereker* contended that it was obvious to every member about the bar, that the witness was in a state of intoxication. In such a state his testimony would not be admitted in any court of justice, and ought not therefore to be admitted in that, the highest judicial tribunal.

Mr. *Ellison* said, if ever he had known any thing of the rules of evidence, he had lost it since the commencement of this inquiry. It had been said that the witness was drunk, but that he could not observe. The witness had not given as flippant answers as other witnesses had, who had not been suspected of being drunk. At all events, it was beneath the dignity of the house, whose conduct was now before the country, to take any notice of the circumstance.

Admiral *Hervey* had attended to the evidence, and the witness did not appear to him to be in a state to preclude him from giving testimony.

The *Chancellor of the Exchequer* observed that, if it was the opinion of the Committee that the witness was not intoxicated, he ought not to have been ordered to withdraw before he had been fully examined.

Mr. *D. Browne* either argued, that the witness was drunk, or he was not drunk; if he was drunk, his evidence ought to be expunged; if not, he ought to be again examined.

Mr. *Fuller*, as there seemed to be such a variety of opinions on the subject of the state of the witness, thought that the best way would be to have him in again, and thus to give him fair play.

Mr. *Bathurst* said, that if the witness was to be called in again, he should be examined only as to his previous sobriety; without adverting to what he might have drank since he withdrew.

[The Witness was again called in and examined.]

(By Mr. Wardle.)

What year did you live with Samuel Carter at Mrs. Clarke's? I told you I could not recollect.

Was it in the year 1808? I cannot recollect; I cannot call it to my memory; I can guess very nigh it, though.

What do you guess? I cannot say justly; I can tell the year partly.

What was the year? I told you before I did not recollect; and I cannot say the date, for I do not remember it, and therefore it is of no use for me to say the date.

You have said you know the year partly; state whether you can at all recollect the year? No, I cannot.

Was it four years ago? Yes, rather more than that, I believe.

Was it six years ago? If I could recollect the date, I then should have no occasion to say I did not know it.

You do not know whether it is three years ago or six? I do not know indeed, I have said that before.

Did you wear a livery when you lived with Mrs. Clarke? Yes.

Did Samuel Carter wear a livery at that time? No, he did not wear a livery during my time.

When did you quit Mrs. Clarke's service? You ask me a question, which I cannot answer, because I cannot recollect the time; I never took an account of the time I left the house.

At what time did you get your summons to attend this house? I did not set that down even, I forgot that even; I know what day I got the notice to come.

At what time did you get the notice to come here? I cannot justly tell the hour.

Was it to-day or yesterday? I received the notice to attend the house, and I paid that respect to attend the house accordingly as I was ordered.

When did you receive the notice? I received it on Monday, and I received one this afternoon.

[The Witness was directed to withdraw.

Colonel *Vereker* appealed to the Committee, whether he was not borne out of his first assertion, and desired his evidence might be read, which was accordingly done, when there was a general cry of "go on."

Mrs. MARTHA FAVERY was called in and examined.

(*By Mr. Wardle.*)

Did you live with Mrs. Clarke as housekeeper, in Gloucester-place? Yes.

Do you recollect a footman there of the name of Sam. Carter? Yes.

Was Sam. Carter in the constant habit of waiting at table on the Duke of York and Mrs. Clarke and her company? Yes.

Do you know Miss Taylor? Yes.

Was Miss Taylor in the habits of being often in Gloucester-place with Mrs. Clarke and the Duke of York? Yes.

Do you recollect any thing with regard to a note being changed, just before the Duke went to Weymouth, and Mrs. Clarke to Worthing? Yes, I do.

State what you know about that.—I know that the Duke's servant came in the morning, and I gave him this note, but I do not know the number of it, nor what note it was, and he returned again about eleven o'clock, and gave me the money; I took it up stairs, and then the Duke was in the bed-room, and Mrs. C.: in short, they were in bed.

Do you recollect who that servant was? A German, Ludowick.

Was Sam. Carter in the habits of sharing the duty of a footman with the other man? He cleaned the knives, cleaned the plate, attended the carriage, and waited at table on h. r. h.

Was not the house in Gloucester-place to your knowledge kept at a great expence? It certainly was; there were sometimes two men cooks, sometimes three men cooks.

Do you mean that those cooks were on any particular occasion of dinners, or when do you mean that there were two or three men cooks? When there was a particular dinner there were three men cooks, or sometimes more; Mrs. C. always wished to have her dinners go up in the best manner, to please h. r. h., and if there was any dinner found fault with by h. r. h., she would have another.

Have you often known Mrs. C. distressed for money during that period? She never could pay her debts properly after the first quarter; people were tearing me to pieces for money, and saying that I kept it.

(*By the Attorney General.*)

When did you first live with Mrs. C.? When she went to Gloucester-place.

Had you known Mrs. C. before that time? Yes.

How long had you known Mrs. C.? I lived with her before she went to Gloucester-place; I have known her these ten years; more than that.

How much more? I cannot exactly say how much more.

Have you known her 20 years? No, I have not known her 20 years.

Where did you first know Mrs. C.? I knew her at Hampstead; I went to be a servant to her there.

Did you not know her before that time? Yes, I went about six weeks after she was married, to live with her.

After she was married to Mr. Clarke? Yes.

Did you live with her from that time till she went to Gloucester-place? No, I lived with her three or four times since; I went away and came back to her.

Who first recommended you to Mrs. C.? The paper.

Do you mean by an advertisement? Yes.

Did you know nothing of Mrs. C. till you saw that advertisement? No, I did not.

Did you live with her at Gloucester-place? I went with her to Gloucester-place; from Tavistock-place to Gloucester-place.

Then you lived with her in Tavistock-place? Yes, I did.

Where did Mrs. C. live before she went to Tavistock-place? I do not know, I did not live with her all the time.

Do not you know where she lived all that time? No, I was in the country with another family.

With what family were you in the country? I am not obliged to answer that.

Yes, you are.—It was a family who are dead.

Who were they? One Mr. Ellis.

Where did he live? In the city.

What part of the city? He was a carpenter.

In what part of the city? I really do not know the name of the street, I cannot recollect it, it is so long ago.

How long did you live there? Two years.

If you lived two years in the same street, you must know where they lived? It was not in the same house, it was in lodgings.

Where were the lodgings? I cannot tell.

In how many different places did they live while you were with them? They had different apartments; they kept shop in one part of town, and had apartments in another.

What part of the town did they keep a shop? I cannot recollect indeed; I was at Brighton and Margate with them, and in different parts about.

What other parts besides Margate and Brighton? I was at Ramsgate, and many little places about, that I did not think about.

Was it upon parties of pleasure the family went to Margate and Brighton and Ramsgate? No, they were all ill, the mistress and children and all; they went for their health, I suppose.

They went to these different places for their health? I suppose so, I cannot say what they went for particularly; I do not know their concerns.

Then why do you suppose they went for their health, if you know nothing about it? I should think so, if they went to those places.

How many did the family consist of? Four.

Mr. and Mrs. Ellis? Yes, and two children.

Any servant but yourself? No.

Who was left in the shop while they were absent? I cannot say, I am sure I do not know.

You say they kept a shop at one part of the town, and had lodgings in another? Yes.

In what part of the town was the shop? I really do not know; I did not concern myself with the shop, I never went there.

In what part of the town were the lodgings? In some of the streets near Cheapside, but it is out of my memory entirely; when I leave a place, I never trouble it again.

You have said that they lived in more places than one in London; what other place can you recollect besides the street near Cheapside? I really cannot recollect any thing at all about it; I do not know any thing about it.

In how many different lodgings did they live in London, while you were with them? I cannot say; they left me till I went to Brighton; I went to Brighton with the children.

Did they live in two, three, or four different lodgings? I cannot answer that question indeed.

Did you go to Brighton with the children without Mr. and Mrs. Ellis? Yes, I did indeed.

Did Mr. and Mrs. Ellis come to you there? Yes, they did.

How long did they stay there? I believe we were there about three months.

Where did you live at Brighton? I will tell you as nigh as I can, opposite the sea; but I do not know the name of the street, though I was there.

When did you go to Margate? Really I cannot tell you such a question as that, I do not keep that in my head; I do not know.

Where did they live at Margate? In the High-street.

Are Mr. and Mrs. Ellis dead? Yes, so I heard.

And the children? I do not know, I never inquire after them.

What reason had you for not chusing to mention this family? I have no reason at all, I answer as nearly as I can recollect.

Do you know capt. Sutton? I did, but he is dead; he has been dead two years, I believe I can recollect that.

Was not Samuel Carter supposed to be his natural son? I cannot tell.

Did you never suppose that? No, I cannot tell what other persons supposed.

Carter did not wear a livery? No.

(By Sir R. Williams.)

You have stated that there was a very expensive establishment in Gloucester-place; did h. r. h. at any time give you any money to defray the expences of that establishment? He never gave me any in his life.

Did any body belonging to him? No, nor any body belonging to him.

(By Colonel Vereker.)

Where did Mrs. C. live when you lived with her first? At Hampstead.

Was that prior to your living with Mrs. Ellis? It was before.

Then how comes it that you recollect the place you lived in with Mrs. C., and do not recollect where you lived with Mrs. Ellis afterwards? Because I lived longer with Mrs. C. than I did with those people.

Did you not live two years with Mrs. Ellis? Yes, I did.

Do you mean the committee should understand, that you do not recollect where you lived two years with Mrs. Ellis? No, I do not; I was at Brighton, Margate, and Ramsgate, and other places; and I suppose they were like a great many people, in debt, and went about in consequence, if I must tell the truth; but it is not the thing to tell family affairs.

You have said Mrs. Ellis kept a shop in one part of the town, and lodgings in another; now you tell the committee you were living about all the time; how do you reconcile that? They may go about, his wife may, and he may keep out of the way, or stay at home; I cannot tell how they manage those things.

(By General Phipps.)

Are you not related to Mrs. C.? No.

Do you mean to deny that you are Mrs. C.'s sister? I do; I am not Mrs. C.'s sister.

(By Mr. Harbord.)

Did you pay any of Mrs. C.'s servants wages? Yes, I did.

What were the wages you paid to Samuel Carter? I really cannot say what I gave him.

Did you ever pay Samuel Carter any wages? I have given him money a great many times, when he has asked for money to buy himself shoes and things he wanted.

Do you recollect whether there was any agreement made for wages? No, I do not.

(By Mr. Herbert.)

You have stated, that you were housekeeper to Mrs. C., and superintended a very large establishment, and had two or three cooks at particular times; what number in general did you superintend, and have to provide for? I am sure I cannot say; there were always very elegant dinners went up, and what they could not do, came from the pastry-cook's; there were four men in the stable, a butler and two footmen, two cooks, a laundry-maid, a house-maid, a kitchen-maid, and another little girl that worked at her needle, and myself, and a charwoman to wash one day in the week.

You have mentioned that there were very considerable embarrassments happened, and that you have been applied to for money, and have been supposed to keep it instead of paying the different creditors; did you tell her of those distresses, and apply to her for money; and if so, what answer did you get? I did inform her; she said that h. r. h. had been very backward in his payments to her, and I must put the people off, and accordingly I did as she said.

Did Mrs. C. ever mention to you that h. r. h. said that he would give or had given her sums of money, to pay those debts? No, I never heard that.

Did you never mention to Mrs. C., that you wished her to ask money from the D. of Y., to pay those debts? Yes, I did.

What was the answer Mrs. C. made? She said all would be paid as soon as she had it from his royal highness.

Were not many of those debts paid? A great many were paid.

You have stated, that you applied to Mrs. C. telling her that she owed certain sums of money, to get it from the D. of Y.; do you know from your own knowledge that many of those debts were afterwards paid? Some of the debts were paid while he was there; I have paid the baker, and I have paid the butcher twice.

Then upon your application, desiring Mrs. C. would apply to the D. of Y., have you often found debts paid? Yes, I have found many of the debts paid.

(By Mr. Wardle.)

Did you know capt. Sutton, by sight? Yes.

Had capt. Sutton only one leg? Only one leg.

(By Mr. Beresford.)

Do you know what regiment he was of? No, I do not, I am sure.

Do you still live in the service of Mrs. C.? Yes.

Have you had any conversation with Mrs. C. on the subject of this investigation, since it commenced? No, I have not.

You have said, that you paid the servants wages while you lived with Mrs. C.; how many men servants did you pay wages to? The coachman, his name is Parker, and William M'Dowall; I believe she paid Peirson herself; and the stable-man and the boy, four men in the stable, I always used to give the money once a week, or once a fortnight, to them; there were in all, five in the stable, and three in the house.

Were they all servants on standing annual wages? Yes, they were all yearly servants; and there were two servants at Weybridge, a gardener and a cook.

(By Sir James Graham.)

You have stated, that there were sometimes two and sometimes three men cooks for particular dinners; do you mean by those particular dinners, that they were dressed for a large company? No, we never had a large company: this was first when Mrs. C. went into that house.

Those dinners were dressed merely for two or three persons? Yes, for h. r. h. as far as I know, in particular.

Not for any other company? No.

(By Mr. Wilberforce.)

You went with Mrs. C. when she first went to reside in Gloucester-place? Yes, I did.

Do you know who the tradesmen were who furnished the house in Gloucester-place? No.

Who furnished the upholstery? It was somebody in Bond-street: Oakley.

Do you know who furnished the china and glass? Mr. Mortlock, in Oxford-street.

Do you know who furnished the house with grates? Mr. Summers, and Rose, in Bond-street.

Do you know what silversmith furnished the plate? Birketts.

Do you know any of the other tradesmen with whom Mrs. C. dealt? Parker's, in Fleet-street, she had something to do with.

Who was the wine-merchant? I really do not know; I believe h. r. h. used to send it, but I do not know; he used often to send it, I know.

(By Mr. Spencer Stanhope.)

Did you ever pay any money on account of wages, to any of these men cooks? Yes, I gave them a guinea a day, each of them, but I cannot recollect their names.

Did you consider that as payment for that day, or as in part of annual wages? Only for the day.

Were you in the capacity of own maid to Mrs. C., or was there any other? I was own maid and housekeeper together.

Do you know Mr. Dowler? I have seen him.

Have you seen him frequently? Yes, I have seen him frequently.

Have you seen him frequently in Gloucester-place? Yes, I have.

Do you know or not, whether he staid the night there? Never, I am very sure of that.

(By Mr. Wilberforce.)

Did you at any time convey any messages to the tradesmen employed to furnish the house in Gloucester-place? Yes, for any thing that was wanted.

Concerning the manner in which it was to be done, and what articles were to be sent in? Yes, Mrs. Clarke's order.

Did the tradesmen seem willing to send in articles merely on Mrs. C.'s authority? They sent what she ordered, as far as I know; sometimes they would not.

Did you use any arguments to them to induce them to send in articles, if they appeared unwilling so to do? No, I did not; I said when she had money she would certainly pay them, nothing further than that.

Did they tell you they looked to a better paymaster than Mrs. C., or any thing of that kind? They have asked me, whether h. r. h. had settled with her, and given her money; and I said no, as soon as she had it, she would give it to them.

(By Mr. Beresford.)

Was capt. Sutton in the habit of visiting at Mrs. C.'s? Yes, she knew capt. Sutton.

Was he in the habit of visiting at Mrs. C.'s? Yes.

Was he in the habit of visiting at Mrs. C.'s before Sam. Carter came to live at Mrs. C.'s house? Yes, he was.

When he came to visit Mrs. C. was he not in the habit of bringing Sam. Carter as a companion? I do not know; he brought him with him, certainly.

When Sam. Carter came with capt. Sutton, was he in the habit of going with him into the parlour? No.

(By the Secretary at War.)

When Mrs. C. first resided in Gloucester-place, what number of servants had she at that time? Sam. Carter was the first that went there when I went; there was a coachman and two footmen, and a butler and a postillion; there were four men in the stable; she had them immediately as she got there.

(By Mr. Wardle.)

Did you ever see Carter after he got a commission in the army? No, I do not think I ever did.

Do you recollect whether Sam. Carter got a commission in the army while he was in Mrs. C.'s service? Yes, and went to Deal, to join his regiment.

He left Mrs. C.'s service for that reason? Yes.

And you never saw him afterwards? No.

(By the Attorney General.)

What was your name before you were married? Favery, that is my real name.

Are you a married woman? No.

Did you ever hear Mrs. C. say why she applied for a commission for Sam. Carter, more than for any other foot-boy in her service? No.

(By Lord Folkestone.)

By what name was Sam. Carter known to h. r. h., by the name of Sam., Samuel, or Carter? We used to call him Sam.

Was he known by the name of Carter, to h. r. h.? Yes, he was known by the name of Carter.

Did Carter appear to you a person of superior manners and education to persons in that situation? I do not know, he was very well.

Did any of the servants dine with you in general at the same table, when you lived with Mrs. C. in Gloucester-place? Yes, I sat down to dinner with them all.

(By Mr. Wilberforce.)

Can you mention any body else who was in the habit of going to the tradesmen about the articles to be furnished to the house in Gloucester place? I never went, I sent a servant always, and Wm. M'Dowall has been to Oakley's in Bond-street, and to Rose and Summers's, and to different tradesmen.

Do you know any body else who went? Peirson used to go.

You did not know any agent or steward, or any person of that description, who used to go? No.

Do you know whether a person of the name of Taylor used to go? I am not sure whether he went; he might be sent by Mrs. C., he was not by me.

Do you know any thing of his going? No, I do not.

(By Sir R. Williams.)

When you lived in Gloucester-place was Mrs. C. in the habits of receiving visits from other gentlemen besides the D. of Y.? Yes, several people came.

Gentlemen? Yes, gentlemen came backwards and forwards.

Did you ever know that any of those gentlemen were considered as opulent? I really do not know.

You have stated that you were in the habit of dining with all the servants; of course the coachman was one of that number? Yes, he was.

Do you remember a capt. Wallis visiting there? No, I never remember such a name.

[The Witness was directed to withdraw.]

GWYLLYM LLOYD WARDLE, Esq. attending in his place, was examined.

(By Mr. Lockhart.)

In folio 132, of the printed Minutes of the Evidence, there appears a Letter written by Mrs. C. to Mr. Donovan, in which is the following expression, the date of the letter is Jan. 28th, 1809: "I must be candid, and tell you, "that in order to facilitate some negociations, "I had given him a few of your letters: in one "you speak of the queen, in another the two "deaneries." Did Mrs. C. give you any letters in order to facilitate any negociation? I never had any negociation with Mrs. C. about letters in my life; I do not know what she means by the expression of a negociation.

Are these the letters which she stated you had taken away from her? I took some of Mr. Donovan's letters in the way I have before described, which I have produced to this house; but what she means by negociation I do not know.

(By the Chancellor of the Exchequer.)

Had you any other letters of Mr. Donovan's from Mrs. C., or are those the very letters which she so positively stated you had taken away from her? I had some other letters from Mrs. C. of Mr. Donovan's, which she gave me, and I examined him as to those letters in this house.

For what purpose did Mrs. C. give you those letters? I really do not know for what purpose she gave them to me; I asked her to give them me, and I examined him upon them in this house.

Have you never asked Mrs. C. what she meant by that expression in her letter? No, I do not think I did; but I never did have any answer to it, if I had; I remember the expression striking me when I heard it read.

(By Mr. Spencer Stanhope.)

When Mrs. C. delivered these letters to you, did she mention any thing about any negociation as affecting one or more deaneries? I never heard of any negociation about any deanery, except what these letters contain.

Mrs. MARY ANN CLARKE was called in, and a letter from Mr. Elderton to h. r. h. the D. of Y. being shewn to the witness, she was examined.

(By Sir T. Turton.)

Do you recollect that that was one of the letters that you delivered to Mr. Nicholls, to be burned? Yes, they were all delivered to be burned.

Do you recollect that was one of them? I cannot recollect that that was one of them; except what I burned myself, I gave the rest down to be burned, and they positively assured me they were burned.

Do you remember how that letter came into your possession? I suppose I may be allowed to read it before I give my opinion.

[The Witness read the letter.]

To whom is that letter addressed? To the Duke of York.

How came that letter into your possession? I had it to shew the D. of Y., I suppose, as I had many other letters; and, after he read it, it was left in my possession. This man was arrested after he had his appointment, and I had solicited for leave for him.

Then I understand you to say, that that letter was addressed to you; by whom was it addressed to you? By Mr. Elderton, or else his wife; by Mr. Elderton, addressed to me, to deliver to the Duke.

Then I understand you to say, that the letter was inclosed to you in another by Mr. Elderton; is that so? Yes.

And that in consequence of your receiving it, you delivered it to the D. of Y.? I am positive that I shewed it him, to let him know that the man was grateful.

Did the D. of Y. return it to you? After he had read letters, they used to be left upon the table, and I ought to have destroyed them.

(By the Chancellor of the Exchequer.)

Did not you understand that Sam. Carter was a natural son of capt. Sutton? No, I did not; people have said so, but he told me to the contrary himself.

Did not capt. Sutton take care of his education? Capt. Sutton always had the boy about him; he had several, and Sam. was one; he had been very strongly recommended, I believe, by Mrs. Fitzherbert, but they denied that at one time.

Did capt. Sutton educate the boy? He was not well educated till he came to me; he used to go to school, while he was in my service, every leisure hour.

Do not you know that capt. Sutton took care of his education? I know that he took some pains to instruct him in his leisure time, he was a very good boy.

Do you know what regiment capt. Sutton was in? He formerly was a lieutenant in the grenadiers; I believe he was a volunteer, where he lost his leg.

You are not certain what regiment he was in? No; he was deputy fire-master at Woolwich, and had been an esteemed friend of the Prince of Wales and of the D. of Y. for 12 years, but nearly died for want, except through me.

(By General Norton.)

Did you consider Carter in a light above the rest of your servants? Yes, I did, for he was very faithful to me.

In what year did Mr. Elderton get the Paymastership of the Dragoons, that you spoke of? I cannot tell, but it was before general Simcoe died.

You do not remember the year at all? No, I do not.

During your residence in Gloucester-place, did you ever make any return of the Income Tax? No, I believe I did not.

Were you ever assessed either for your horses, carriages, or men servants? Yes, I was.

Then you recollect the number? I used to forget the greater number of them when they were put down, conceiving they had been paid for before through the Duke, or otherwise.

(By Mr. Lockhart.)

Look at that letter; [the letter to Mr. Donovan, of the 28th Jan.] that letter speaks of delivering some letters to Mr. Wardle, in order to facilitate some negociation? I sent that letter to Mr. Donovan.

Did you give these letters to Mr. Wardle, in order to facilitate any negociation? Yes; not the letters that col. Wardle ran away with, but letters of field officers to recommend two or three lieutenants to companies, they were to give more than the regulation, 3 or 400*l.*; I understood from Mr. Donovan that Greenwood was to have some part, Froome another, himself a share, and me; these young men were to pay, I think, 400 guineas over the regulation, and that it was the last job Greenwood was to give Froome, that it was to complete a very old promise of the D. of Y.; Mr. Donovan told me he must have the recommendation of a member of parliament or a general officer, to cover himself.

If you refer to a passage in your letter, it will appear that the letters you allude to were, one in which Mr. Donovan speaks of the Queen, and in the other of two deaneries? Those were the letters col. Wardle took away, and which I told him were in his possession; that letter I think mentions as far as that. [The passage in the Letter was read.] I had not given him those letters, he took them, and what I gave col. Wardle to facilitate was the other three, the lieutenants for the companies, and he has two or three of them now, and gen. Clavering the other; and when I represented one of the young men as Mr. Sumner's nephew or cousin, I believed it, because Mr. Donovan had told me so, and declared it in every way possible.

How could the delivery of any letters whatever to Mr. Wardle, facilitate any negociation? I thought that they might, because he told me that he could do it by men that were not in the opposition, because I knew that a man on that side would not do to recommend to the D. of Y. any military man.

Who told you so? Colonel Wardle.

What sort of negociations did you think the delivery of these letters might facilitate? To get a letter of recommendation for the young men, the same sort of recommendation as gen. Clavering was to give me for Sumner.

You have stated, that the Paymastership procured for Elderton was previous to the death of gen. Simcoe; what circumstance makes you say it must have been previous to the death of gen. Simcoe? I believe it was gen. Simcoe's regiment, I know he had been applied to on the subject.

Are you quite positive that these letters spoken of, are the letters Mr. Wardle ran away with? Yes.

(By Sir J. Sebright.)

Did the D. of Y. ever tell you at any time, that he had been informed by any person of your having received money by getting appointments in the army? No, no one dare tell him so.

(By Mr. Greenough.)

Did the D. of Y. ever inform you by what means the commissions you state to have been so irregularly obtained, were made to appear regular in the books of the office? No, he did not state to me that circumstance, only that he would take proper care and have them all right, and the subjects he always thought were proper when they were proposed.

GWYLLYM LLOYD WARDLE, esq. attending in his place, made the following Statement:

I wish to say, that I am now aware what Mrs. C. means by her negociation: the letters that I before alluded to her having received from Mr. Donovan, and my having examined him upon them in this house, were sent to her by Mr. Donovan, as I understood, for the purpose of her getting them signed by a general officer, or a member of parliament; she stated having sent one of them to gen. Clavering to be signed; the other three or four, I forget which it was, I got from her, she gave them to me; I remember her stating at the time, that if I could get a member of parliament to sign them for her, it would be just what Mr. Donovan wanted; I said my friends were in opposition, and opposition men would not do; I kept the letters ever since, and till this moment never could make out what she meant by the term 'negociation.'

(By the Chancellor of the Exchequer.)

Have you any objection to deliver in those letters, from which you examined Mr. Donovan at the table of this house? They are all on the table of the house.

Are those letters on the table of the house which Mrs. Clarke wished you to get a member of parliament to sign?—No, I think not.

In giving this answer Mr. Wardle was called to order, by sir G. Hill, in consequence of lord Folkestone's whispering something in the ear of the hon. member.

Mr. *Whitbread* rose and observed with much warmth, that his hon. friend (Mr. Wardle) was perfectly in order, that no irregularity whatever was committed, for it was perfectly consistent with the rule of parliamentary evidence, for one member to make communications to another in course of examination.

Lord *Folkestone* declared, that what he communicated to the hon. member was perfectly innocent, and moreover that his hon. friend had finished his reply before he made the communication.

Mr. *Whitbread* contended, that it was neither indecorous nor inconsistent with parliamentary rules for members to make communication to such as were close to each other.

The *Chancellor of the Exchequer* believed it was the general feeling of the committee, that no individual was at liberty to suggest any answer whatsoever to any interrogatory that was put in the nature of evidence to another member. He conceived that no member in the committee had any superior advantages in this respect over any witness, who gave evidence at the bar of the house. Surely it would never be maintained, that a witness placed in that situation, and labouring under any difficulty or embarrassment respecting the answer to be made, ought to receive any assistance. Neither did he apprehend that any member of parliament was entitled to receive any suggestion from another, when he was called upon in his place to give his evidence on any question.

Mr. *Windham* knew of no principle recognized by parliamentary practice, by which a member was restrained from both giving and receiving communications and informations from another during the discussion of any question. On this ground he perfectly justified the conduct of the noble lord, and especially as he afterwards declared his communication to be perfectly innocent; he, therefore, thought the hon. baronet was premature in calling the hon. gent. to order.

Mr. *Canning* was proceeding to animadvert with a considerable degree of warmth on the observations, which an hon. member (Mr. Whitbread), had made relative to the prerogative which a member of parliament had over any other witness giving his evidence, when the right hon. gent. was called to order.

Mr. *Whitbread* repeated and explained his former observations with respect to the right which every member in the house had of communicating information to another. He did say what the right hon. secretary stated, that a member had a right to derive any benefit from the suggestion of another when examined in evidence during the pending of a question, but that question being answered, he was no longer restricted.

Mr. *Canning* confessed he had misunderstood the meaning of the hon. member, for he at first did conceive the hon. gent. made an essential difference between a member of parliament in giving his testimony, and an ordinary witness at the bar; and he was the more satisfied in this case because the noble lord had declared, that what he communicated was perfectly innocent.

Mr. *Whitbread* protested that he never did lay down such preposterous doctrine.

(*By Mr. Beresford.*)

Are there any letters on the table of the house which Mrs. Clarke gave to you, to procure the signature of a member of parliament? I thought they had been given in, but if they are not, I certainly will lay them on the table.

Have you any objection to lay on the table every letter which you got, either by violence or otherwise, from Mrs. Clarke?—I have no objection to lay upon the table the letters in question respecting those officers who were to have been so recommended, and all the letters that I had regard to in the statement I made to the house.

Have you any objection to lay on the table every letter which you got, either by violence or otherwise, from Mrs. Clarke? I wish the answer I have given to be repeated.

Are there any letters in your possession, relative to the inquiry before the house, as to the D. of Y.'s conduct, which you have taken from Mrs. Clarke, or which she has given to you, which you object to lay before the house? I know of none such, I have no information which with propriety can be laid before this committee, which I would withhold from them.

Are the letters alluded to in the letter of Mrs. C. at present on the table of the house? No, they are not.

(*By Mr. Lockhart.*)

When did you receive the letters from Mrs. Clarke, which she mentions, in her letter of the 28th Jan. to have been delivered to you? I have no memorandum, I cannot speak to the time.

CHARLES GREENWOOD, esq. was called in and examined.

(*By Mr. Wardle.*)

Is Mr. Froome now in your office? No.

Did not Mr. Froome succeed to the situation of one of your clerks that has lately left you? No.

Did not Mr. Froome come to town for the purpose of supplying the place of that clerk? Mr. Froome came to town to settle some old accounts of mine as treasurer to the Royal Military College, and not at all to take the place of that clerk.

Has he settled those accounts, and if so when did he leave you? He is settling them now.

were, or from whom they came? I really do not.

Were the objections removed solely by the recommendation of sir R. Abercrombie? I believe entirely.

After those objections had been made, did any conversation take place between the D. of Y. and yourself upon the subject? Certainly none.

(By Mr. Abercrombie.)

How do you know that any subsequent recommendation was made to sir R. Abercrombie? I think I have letters from sir R. Abercrombie to prove that.

[The Witness was directed to withdraw.]

Colonel GORDON was called in, and examined.

(By Lord Folkestone.)

Have you brought with you the documents respecting the proposed exchange between col. Knight and col. Pleydell? Yes, I have them in my hand.

[Colonel Gordon delivered in several papers, which were read:—Letter from Messrs. Collier.—Answer to the above.—Letter from col. Knight, dated June 19th, 1805. Letter from col. Gordon to col. Knight.]

"*C. L.*"

"The Com. in Chief cannot accede to the request of these officers. Lt. col. Pleydell must remain in the regiment to which he has been posted."

"*Refused.*"

"Messrs. Collyer have the honour of transmitting col. Gordon the Memorials of majors Knight and Pleydell to exchange."

"Park-place, St. James's,
27th May 1805."

"Horse-Guards, 28th May 1805."

"Gentlemen; Having laid before the Commander in Chief your note of the 27th instant, I am directed to acquaint you in reply, that h. r. h. cannot accede to the exchange therein proposed, between major Knight of the 5 Drag. Guards and Bt. Lt. Col. Pleydell of the 59th Regt. of Foot; and lieut. col. Pleydell must remain with the corps to which he has been posted. I am, Sir,

(Signed) J. W. Gordon."

"The inclosures in your Letter are herewith returned."

"Messrs. Collyer.

"H. r. h. has no objection to his receiving a difference, and when an eligible successor can be recommended, h. r. h. will take it into consideration."

"No. 35, Maddox-street,
Hanover-square, June 19, 1805."

"Sir; H. r. h. the Commander in Chief not having acceded to my exchanging with lieut. col. Pleydell, I fear my motives for wishing to return to the infantry may have been misrepresented to h. r. h.—I therefore take the liberty of stating them to you, and request the favour of you to submit them to the consideration of h. r. h.—I am desirous of returning to the infantry, with a view to receive back the difference, to enable me to arrange some pecuniary concerns which press upon me at this moment; and in case h. r. h. should be graciously pleased to acquiesce, I intend to solicit the further indulgence of a temporary retirement upon half-pay for the recovery of my health, which is much impaired by a service of 20 years in the West Indies, in Holland, in Egypt, and elsewhere; and as I do not mean to solicit h. r. h.'s permission to receive the difference between full and half-pay, I flatter myself h. r. h. when my health is re-established, will consider my past services, and allow me to return to a service which I never can quit for a moment without the deepest regret.—And in case h. r. h. should have no person in view to succeed me in the 5th Dragoon Guards, I humbly beg leave to submit the name of brevet lieut. colonel Brook of the 56th regiment, (an old cavalry officer) who has written to me on the subject. I have the honour, &c. H. R. Knight."

"To col. Gordon, "Major 5th Dragoon Gds.
"&c. &c. &c." and Bt. Lt. Colonel."

"Horse-Guards, 21st June 1805."

"Sir; Having laid before the Commander in Chief your letter of the 19th instant, I am directed to acquaint you, that h. r. h. has no objection to your exchanging to the Infantry, receiving the difference; and when an eligible successor can be recommended, your request will be taken into consideration. I have, &c.

(Signed) J. W. Gordon."

"Bt. Lieut. Col. Knight, 5 D. Gds.,
"35, Maddox-street, Hanover-square."

Are you acquainted with major Turner? I was acquainted with him.

What was the period of your acquaintance with him? I think it was in the year 1803.

When was the last time that you saw him previous to his tendering his resignation? I cannot recollect the precise day, but it was a very short time before he gave it in, he called upon me, and stated his intention of so doing.

Did he solicit any other situation? No, I cannot recollect that he did.

Did he request to be put upon the staff of the army serving in Spain? I do not recollect that he did; it is very possible that he might, but I do not recollect that he did.

Did he state to you the reason for which he intended to resign? Yes, he certainly did.

What were those reasons? Major Turner called upon me, and told me, it was his intention to give in his resignation, and retire from the army; I expressed some surprize at this, having had some previous acquaintance with him, and told him, I think, that he had better consider of it before he took so decided a step. I think Major Turner told me, he had got into some unfortunate scrape with a woman, and it was necessary for him to quit the service; the exact words I do not recollect, but that was the tenor of the conversation that passed between us. There was very little more or less.

Did he state the nature of the scrape? No, he certainly did not; but I have some recollection, that he was about to do it, and that I stopped him, as my custom is, not wishing to enter into the private affairs of officers more than is necessary.

Did he state the name of the lady? I am pretty confident he did not.

When the application was made for the exchange between col. Knight and col. Pleydell, were the usual inquiries made, and were they acted upon? This is rather an embarrassing question. I should answer it in this way; that the Commander in Chief did not think col. Pleydell a proper officer to be placed at the head of a regiment of cavalry.

(By Mr. Creevey.)

Is it your belief, that upon a complaint made from any quarter against any officer who was soliciting either for exchange or resignation, that complaint being, that the officer had behaved dishonourably by a lady, that would lead to an inquiry on the part of the Commander in Chief? That would depend very much upon the mode in which the complaint was made; the complaint in question stated, that the general knew all about it; inquiry was therefore made of the general before any decision was given upon it.

Did it ever come within your knowledge that any resignation had been stopped, or any proceeding taken at the Commander in Chief's office, in consequence of an anonymous letter? I cannot exactly say that a resignation had been stopped; but this I can say, that all anonymous letters are invariably attended to.

Is it not the invariable practice of the Commander in Chief to forward all anonymous letters, conveying complaints or any circumstances attached to the army, to the generals commanding the districts or the officers commanding regiments, concerning which complaints may be conveyed in those anonymous letters? I have already said that anonymous letters are always attended to, and are sent for inquiry in their proper course; they happen almost daily.

[The witness was directed to withdraw.

General ROCHFORT was called in, and examined.

(By the Chancellor of the Exchequer.)

Do you recollect a person of the name of Sam. Carter, that lived with capt. Sutton? I do.

Do you happen to know whether Samuel Carter was reputed to be the natural son of capt. Sutton? I always understood that he was.

Did he live with him as such? He lived with him as such, as it appeared to me.

You knew captain Sutton? Very well.

He brought him up as his son? Yes, he did, to the best of my knowledge.

Did he give him a good education? I believe the best education he could; he was very capable of educating him himself, and I believe he took a great deal of pains with the boy.

Was he in the habit of dining at capt. Sutton's table? I cannot tell; I never dined with capt. Sutton at his house.

When did capt. Sutton die? I cannot exactly say; two or three years ago, I believe.

[The witness was directed to withdraw.

Lord *Folkestone* stated, that Duff, one of the parties whom he had that evening mentioned to the house, as having papers in his possession, which came into his hands through the medium of one Kennett, in the city, had, since he addressed the house, called him into the lobby, and informed him, that he was willing to deliver up the papers. He had seen some of them, which he had communicated to the right hon. the Chancellor of the Exchequer, who concurred with him in thinking they were worthy the observation of the house. The person who had them, having mentioned it would be inconvenient to him to attend that evening, he had dispensed with his further attendance. He had accordingly promised to bring him the papers to-morrow morning, and he would call the attention of the Committee to them at their next meeting.

The house being resumed, the Chairman reported progress, and asked leave to sit again to-morrow, which was ordered.

HOUSE OF LORDS.

Thursday, February 16.

[Spain and Portugal.] Earl *Darnley* called their lordships' attention to the subject of the late campaign in Spain and Portugal. Impressed as he was, with a deep sense of the misconduct of ministers, and recollecting that they professed a disposition to put the house in possession of every information that might be requisite to enable parliament and the country to decide upon their measures, he felt it his duty to move for several returns, calculated to attain that object. He understood that the Spanish Juntas particularly solicited the assistance of a respectable body of cavalry. This was precisely that description of force which we could have best spared, as our cavalry establishment greatly exceeded what could at any time be requisite for the purposes of internal defence. But among the various features of the misconduct of ministers, one of the most striking was their tardiness in complying with the request of the Spaniards, and the very limited extent to which it was at last gratified. The official dispatches bore testimony to the injurious consequences of a deficiency of cavalry in the battle of Vimiera. He concluded with moving for a Return of the effective Cavalry in Great Britain on the 1st of July 1808, a Return of the Cavalry engaged in the battle of Vimiera, and a Return of the total of the British Cavalry in Spain, at the moment of the junction of the several divisions of the troops under sir John Moore.

The Earl of *Liverpool* assured the noble lord and the house, that ministers felt not the least wish to oppose the motion just made. On the contrary, it had their hearty concurrence. He only wished to amend the motion, so as to include a return of the various arrivals of cavalry in Portugal subsequent to the battle of Vimiera, and up to the time of sir John Moore's march into Spain. With the view of still further promoting the purpose of fair and impartial inquiry into the conduct of ministers, he should move for additional papers as soon as the noble lord's motion was disposed of.

Earl *Darnley* had no objection to the amendment proposed by the noble secretary, provided the date of the various arrivals of cavalry in Portugal were added. This suggestion being acceded to, the motion was put and agreed to.

The Earl of *Liverpool* then said, that in order to explain, in the most ample manner, the line of conduct adopted by ministers in reference to Spain and Portugal, he felt it necessary to move for copies of the Instructions sent to our commanders in those countries, and the communications from them to ministers, with the exception of such parts as it might be injurious to the public service to publish. He wished noble lords to understand, that the passages he alluded to were such as related to services still depending. As to services completed, there was no intention of withholding any documents that, in the slightest degree, bore upon the discussion of their merits. All that he requested was, that nothing should be done to prejudge the question of what had been the conduct of ministers; and that whatever proceeding was adopted after the Papers were laid on the table should be such as would afford them a fair opportunity of explaining every part of their conduct; and this course being pursued, they felt not the least apprehension in submitting to the candid decision of the house. The instructions to sir T. Dyer and his communications to sir A. Wellesley, would, he thought, be found in the papers relative to the Convention of Cintra already moved for; if not, they might be called for on a future day. In answer to a question across the table from lord Darnley, his lordship said, that it was an admitted fact, that the Junta of Oviedo had made an application of the nature previously alluded to by the noble lord, and that sir T. Dyer communicated the same to sir A. Wellesley.

The Duke of *Norfolk* wished to know whether measures had been taken to prevent the French and Spanish fleets in Cadiz harbour from falling into the hands of the enemy. We had now here an ambassador from Spain, who held a high official situation, in that country: and one of the most important points to be arranged with him, was, in his conception, that of securing those fleets, by stipulating that they should be sent to Buenos Ayres, Minorca, or any other place for safety. When he looked to the rapidity of operation that characterized the man who was at the head of the French armies, he was not without apprehensions on this subject. His grace further expressed his hopes that ministers, whatever assistance they might continue to give the Spaniards, in money and supplies, would not rashly put to hazard any considerable portion of our military force.

No answer was given to the noble Duke, and the motion of lord Liverpool was put and agreed to.

HOUSE OF COMMONS.

Thursday, February 16.

[Conduct of the Duke of York.] Lord *Folkestone* moved the order of the day for the house to resolve into a Committee on the inquiry respecting the Conduct of h. r. h. the Commander in Chief.—The house resolved accordingly.

Lord *H. Petty* said, that at the request of a very respectable solicitor resident in Lincoln's-inn-fields, named Tyndale, he felt it necessary to state, that he was not the same who had been examined at the bar in the course of this inquiry, and he was apprehensive that without such explanation his name might be confounded with that of a man with whom he had no interference nor connection whatever, and that he was ready and desirous to verify the fact at the bar.

The *Chancellor of the Exchequer* said, he saw no danger of mistaking the gentleman for the other, who stated himself to live at Chelsea.

Lord *Folkestone* now rose, and said, that before he proceeded to call in the witnesses, it might be deemed convenient to put the Committee in possession of the particular subject to which he meant to examine the first witness, Mr. Duff, the solicitor, who attended in consequence of the order of the house yesterday, with some papers he had to produce. Those papers, he understood, came into the hands of Mr. Duff, in the year 1804, in consequence of his being solicitor to the statute of bankruptcy, against a man named Robert Kennett, who had formerly been an upholsterer in Bond-street, and afterwards lived in Lincoln's-inn-fields, in the profession of a tooth-ach curer. A proposition was set on foot by h. r. h. the D. of Y. to raise for his use the sum of 70,000*l.* or 80,000*l.* by way of annuity, and this Mr. Kennett undertook to forward the views of h. r. h., in consideration of provision being made for him by a respectable situation under government; upon the success of his undertaking, was to depend the success of the negociation for the loan. Accordingly, application was made by h. r. h. to Mr. Pitt, to earl Camden, and others, to procure Mr. Kennett a situation at home or abroad, and particularly one which happened just then to be vacant in the West Indies. A secretary to the D. of Y. acknowledged the receipt of Mr. Kennett's letter, proposing the terms of this negociation, the receipt of which he acknowledges in another letter, but in this he expressed no disapprobation of Mr. Kennett's proposal; and it would appear upon the face of the letter, that the success of the D. of Y., in obtaining the situation, would depend upon the loan. He should adduce the letters before the Committee, and particularly that of col. Taylor, to which he alluded. He then moved that Mr. Duff be called to the bar.

The *Chancellor of the Exchequer* did not mean to oppose the motion of the noble lord; but at the same time it did not appear to him that the evidence, or the papers now proposed to be produced, had any connexion with the subject, respecting which the Committee were instructed to inquire, namely, the conduct of h. r. h. in his capacity of Commander in Chief. They had no relevancy whatever to the manœuvres of Mrs. Clarke, or the stories with them connected, nor any relation to military business. However, he had no wish that any paper should be withheld that in any degree might throw light upon the general case; and he therefore abstained from any resistance of the noble lord's motion, rather from a wish not to be thought desirous of stifling any information respecting the whole subject in agitation, than from any relevancy the motion had to the question before the Committee.

Lord *Folkestone* could not exactly understand the right hon. gent.'s meaning by his phrase, the manœuvres of Mrs. C.; but if the suggestion he (lord F.) had offered to the house last night, had been adopted, namely, an additional instruction to the Committee to enlarge their inquiry into the general conduct of the D. of Y. in other respects, the Papers now moved for would be highly relevant.

Mr. *Creevey* stated, as there might be some doubt to which of the baroness Nolleken's sons the evidence of Mrs. C. given at the bar yesterday applied, he had been requested by Mr. Le Maitre, her son by the first marriage, to state that he had no intimacy whatever with Mrs. C. He was in waiting, if the house chose to examine him on this point.—This the house did not think necessary.

Mr. ARCHIBALD DUFF was called in, and examined.

(By Lord Folkestone.)

What are you? A Solicitor.

Do you know any thing of Robert Kennett? I am a solicitor to the commission of bankruptcy against him.

At what time did that bankruptcy take place? Some time in the year 1803.

In consequence of being solicitor to that commission of bankruptcy, have certain papers relative to this inquiry come into your possession? In consequence of the bankrupt's papers having been seized by the messenger under the commission, I have become possessed of certain letters, which I have now in my pocket.

Produce those Papers. [The witness produced them.]

When did those papers come into your possession? I cannot ascertain the time; sometime, I think, about the latter end of 1805, or sometime in 1806.

Have they been in your possession ever since? They have.

Are those all the papers in your possession relative to this business? They are all the papers which I have been able to find among the bankrupt's papers, in which, in any manner, the name of h. r. h. the D. of Y. is mentioned.

Did you at any time state that you believed there was a paper in your possession which you could not readily put your hand upon? I stated last night to lord Folkestone, while I was in attendance at this house, that I believed there was a paper which I could not readily put my hand upon; but to-day I communicated to lord Folkestone that I had every reason to believe that that paper was not in my possession, and that the recollection of that paper must have arisen from one of the bankrupt's letters, which is now in the clerk's hand.

Do you mean by not being in your possession, that that paper did not exist, that there was no such paper? I stated to lord Folkestone then, as I now do, that I believed there was no such paper.

Are you acquainted with the hand-writing of Kennett? Perfectly well.

Look at those papers, and see whether any of them are the hand-writing of the bankrupt Kennett? No. 2 is his hand-writing.

Look at No. 12; is that the hand-writing of Kennett? No. 12 contains two papers; one is Kennett's hand-writing, and the other is not.

What are those papers? They appear to be respecting appointments at Surinam, which have resulted from the surrender of that colony.

Is that the paper which is Kennett's hand-writing? Yes.

Do you know whose hand-writing the other is? I do not.

Is No. 14 in the hand-writing of Kennett? It is.

Is No. 17 in the hand-writing of Kennett? No. 17 contains two papers; one is not in the hand-writing of Kennett, the other is.

What is the paper which is in the hand-writing of Kennett? That which is in the hand-writing of Kennett appears to be an application from him to Mr. Greenwood, for Mr. Adam's address in Scotland.

Do you know whose hand-writing the other paper is? No.

Is No. 18 the hand-writing of Kennett? Yes, it is.

(*By Mr. N. Vansittart.*)

You have stated, that there was a paper which you have not in your possession, and which you believe not to exist; to your knowledge, was such a paper ever in existence? I was led to believe that such a paper had existed, from a distant recollection of having read the paper some time ago; but upon referring to the papers again to-day, and the place in which I found them, namely, the bankrupt's desk, I am satisfied that no such paper ever was in my possession, and that the only circumstance which could have led me to that belief, was the bankrupt's letter, No. 18, and so I stated to lord Folkestone to-day.

Is the Committee to understand that you believe that paper never to have been in existence? I believe it never did exist.

(*By Lord Folkestone.*)

What business was Kennett? Kennett was formerly an upholsterer in Bond-street; he was, at the time when the commission was issued against him, living in Lincoln's-inn-fields, and carried on, or pretended to carry on, the business of tooth-ach curer, curing the tooth-ach by smelling a bottle.

Did he ever obtain his certificate under that commission? Certainly not.

Did he pass his last examination under that commission? He did, after a vast number of examinations, and numerous delays.

Do you know what is become of Kennett now? I know not; I saw him about a month ago.

Do you know any thing particular that has occurred to Kennett since the commission of bankruptcy? I know what his lordship alludes to, but I wish the question was more particular, and not so general.

Did he ever stand in the pillory? He was prosecuted by order of the lord chancellor, at the instance of his majesty's attorney-general, for a conspiracy to defeat that commission, and cheat his creditors; under that prosecution he was found guilty and put into the pillory.

Had he been a bankrupt before the bankruptcy to which commission you were solicitor? He was.

State the dates of both bankruptcies. I cannot with precision.

Can you state the date of the second bankruptcy with precision? To the best of my recollection, the 23d of April, 1803.

Can you state in what year the first bankruptcy took place? I think (but I cannot charge my memory with precision) in the month of January, 1801.

[The witness was directed to withdraw.

EDWARD TAYLOR, esq. a member of the house, attending in his place, was examined.

(*By Lord Folkestone.*)

Will you look at No. 3, and state whether that is col. Taylor's writing? Yes, it is.

Is No. 6 col. Taylor's hand-writing? Yes, it is.

No. 8? Yes, it is.

No. 9? Yes, it is.

No. 10? Yes, it is.

No. 13? This is not his hand-writing.

Does it purport to be? It is written in his name; but it is not his hand-writing.

No. 20? The note is; there is an inclosure in it, which is not.

Mr. ARCHIBALD DUFF was again called in, and examined by the Committee, as follows:

Whose hand-writing is No. 13? I do not know.

It is not the hand-writing of Kennett? It is not.

[The witness was directed to withdraw.

WILLIAM ADAM, esq. attending in his place, was examined, as follows:

Look at No. 4, is that your hand-writing? Yes.

No. 5? It is not my hand-writing; but it was written at my dictation.

No. 19? This is my hand-writing.

The right hon. CHARLES LONG, attending in his place, was examined, as follows:

Have you ever seen Mr. Adams, once private secretary to Mr. Pitt, write? I have.

Can you speak to Mr. Adams's hand-writing? I can.

Look at No. 11. That is not his hand-writing, it purports to be a copy.

Is No. 15 your hand-writing? No. 15 is my hand-writing; No. 16 I cannot speak to.

WILLIAM HUSKISSON, esq. attending in his place, was examined by the Committee as follows:

Will you look at No. 21? I have frequently seen Mr. Chapman write, and, to the best of my belief, this is his hand-writing.

[The following Papers were read:]

No. 2. "The principal sum of 70,000*l.* to be "advanced to h. r. h. the Duke of York, by "way of annuity, (at ten per cent.) either in "one or two parts, as shall be approved by h. "r. h., in the following manner, viz.

"The said sum or sums to be charged on the "Oatlands, and all the adjoining estates, "manors, &c.

"The purchaser to nominate any two lives "(in order to save insurance.)

"His r. h. to be at liberty to pay off the "principal sum or sums any time after three "years, (in the usual way) either by giving "six months notice, or paying six months in "advance.

"The annuity to be payable quarterly, either "by an assignment of the exchequer order, or "an undertaking from the trustees of the said "order to pay the same."

No. 6. "Lieut.-col. Taylor presents his "compliments to Mr. Robert Kennett, and "begs to acquaint him that h. r. h. the D. of "Y. has not any objection to writing to Mr. "Pitt respecting the application which sir Ho-"race Mann has made in his favour.

"Oatlands, Sunday, 22d July, 1804."

No. 3. "Lieut.-col. Taylor presents his "compliments to Mr. Kennett, and is directed "by h. r. h. the D. of Y. to request he will "call upon Mr. Adam, in Lincoln's-inn-"fields, upon Wednesday morning next.

"Oatlands, July 29th, 1804.

Addressed,—"Robert Kennett, esq. 13, Moore-"place, Lambeth."

No. 5. "Mr. Adam's compliments to Mr. "Kennett, and means to see him on Tuesday "evening, before which he cannot be in town.

"Lincoln's-inn, Thursday."

Addressed,

"Mr. Kennett."

No. 4. "Mr. Adam is sorry that his bu-"siness elsewhere detained him yesterday. "He will be glad to see Mr. Kennett here to-"day at eleven o'clock.

"Lincoln's-Inn, Thursday morning, 2d Aug."

Addressed,

"Mr. Robert Kennett,

"13, Moore-place, Lambeth."

HENRY SWAN, esq. a Member of the House, attending in his place, was examined as follows:

Have you ever seen sir Horace Mann write? I have seen sir Horace Mann write very often.

Will you look at No. 7, and state whether it is sir Horace Mann's writing? I will certainly admit that it very much resembles the hand-writing of the hon. baronet; but though it does so resemble it, it is not the usual mode of that hon. baronet's signing his name, for it is signed "H. Mann," and I very frequently correspond with him: he signs "Hor. Mann."

Do you believe that to be the hand-writing of sir Horace Mann? It has something of the character of the hand-writing of sir Horace Mann.

Do you or not believe that to be sir Horace Mann's hand-writing? I certainly believe it is.

Will you look at No. 16; is that sir Horace Mann's hand-writing? I do not think it is; I believe it is not.

[The following Papers were read.]

No. 7. "I shall rejoice sincerely at your "success, if it can be an object with you to ob-"tain a situation in such a climate. The "channel you mention may be more efficacious "than the exertion of my interest, which I will "strenuously renew if it is necessary, when I "see a prospect of success.

"Your's faithfully.

"H. Mann.

"Margate, July 22d."

Addressed:

"Robert Kennett, esq. No. 13,

"Moore-place, Lambeth."

No. 8. "Oatlands, July 16th 1804."

"Sir, I beg leave to acknowledge the re-"ceipt of your letter of yesterday, which I "lost no time in laying before the D. of Y. I "am in consequence directed to request you "will have the goodness to call upon Mr.

"Greenwood, in Craig's- court, on Wednesday "next, at twelve o'clock, h. r. h. having desired "him to communicate with you on the sub-"ject of your letter.

"I have the honour to be, Sir,
"Your most obedient, humble Servant,
"H. Taylor."

No. 9. "Lieut. col. Taylor presents his "compliments to Mr. Kennett, and begs to ac-"quaint him, that having called this morning "upon Mr. Pitt's private secretary, for the "answer to h. r. h.'s application in his favour, "he has been promised that it will be sent in "the course of the day if possible, and he will "forward it, as soon as received, to Mr. Ken-"nett.

"Horse Guards, Thursday morning."
Addressed:
"Robert Kennett, esq., &c."

No. 10. "Lieut.-col. Taylor presents his "compliments to Mr. Kennett, and is directed "by the D. of Y. to transmit to him copy of a "letter from Mr. Pitt's private secretary, in re-"ply to the application which h. r. h. made "in Mr. Kennett's favour for the collector-"ship of the customs at Surinam, which answer "h. r. h. regrets is not conformable to his wishes. "Col. Taylor would have sent it earlier, had "he not been absent from London, when it "was sent to the Horse-Guards.

"August 7th, 1804."

No. 11.

"Downing-street, Friday, 3d Aug. 1804.

"My dear sir;—I have not failed to state "to Mr. Pitt the wishes of h. r. h. the D. of "York, communicated through you, that he "would nominate Mr. Kennett to the office of "Collector of his majesty's customs at Surinam; "and I am directed to request that you will "submit to h. r. h., that, desirous as Mr. Pitt "must at all times be to attend to h. r. h.'s "commands, he is fearful that, from prior en-"gagements, he is so circumstanced, as not to "have it in his power to do so on the present "occasion. I am, &c. (Signed)
Addressed: "W. D. Adams."
"Lieut. col. Taylor."

No. 12. SURINAM.

"The following appointments have resulted from "the surrender of this colony; viz.

"Sir C. Green, to be governor and com-"mander in chief.
"Capt. Drummond, 2d bat. 60th regiment, "brigade major.
"Capt. Campbell, 66th regiment, commander "of fort Zelandria.
"Capt. Maxwell, R. N. harbour master.
"G. Chalmers, esq. collector of the customs.
"Laur. Donovan, esq. comptroller of ditto.
"J. Bent, esq. army agent, and contractor "for prisoners.
"—— Pringle, esq. colonial secretary.
"R. Ross, esq. private secretary.
"D. Monro, esq. resident commissary.
"R. A. Hyndman, esq. resident paymaster.
"Lieut. Rowan, 64th reg. aid-de-camp.
"Lieut. Imthurn, 2d battalion 60th regiment, "military secretary, Vendue master at "a per centage, on the same footing as "at Demerara."

The right hon. CHARLES LONG, attending in his place, was examined as follows:

Do you recollect ever writing a letter, of which No. 15 purports to be a copy? I have no recollection of it; it is very likely I might have written such a letter; it does not appear to be a very accurate copy; it is dated "Bromley Park;" I never dated Bromley Park, but Bromley Hill.

[The following paper was read: No. 15, Letter from Mr. Long.]

No. 15.

"Bromley Hill, Kent, Aug. 30th.

"Sir;—I am sure Mr. Pitt would have been "very happy to have attended to your request "respecting Mr. Kennett, but I know, upon "the application of the D. of Y., he was in-"formed that the office of Collector had been "appointed to. As to the other office, having "received a letter written by the desire of h. "r. h. the Duke, I made enquiry respecting "it, and I do not find that there is any such "office as Assistant Commissary and Agent for "Prisoners, (or Commissary General as it was "called in the Duke's letter) to be appointed "from hence; the Commissary General in the "W. Indies, Mr. Glassford, recommends such "deputies as he finds necessary for conducting "the business of his department, and they are "usually appointed by the Treasury in conse-"quence. The office of Agent for Prisoners I "conceive to be under the direction and ap-"pointment of the Transport Board.

"Believe me, sir, most faithfully your's,
"C. Long."

(To Mr. Long.) Can you state to whom the letter just read was written? It appears to be in answer to that of sir Horace Mann's, but I cannot state whether it was so or not.

[The following papers were read.]

No. 17.

"R. Kennett will be obliged to Mr. Green-"wood, for Mr. Adam's address in Scotland, "and if he can inform him about what time he "will return.

"Saturday morning."
Address.
"W. Adam, esq. Blair Adam, N. Britain."

No. 19.

"Blair Adam, 4th Oct. 1804, Scotland.

"Sir;—I wrote to Mr. Greenwood, who "would probably signify that I had received "your's, and would go forward with the busi-"ness as soon as I returned to town; I now "(in case of your not being at a certainty) "write to yourself, to say, that I shall desire "to see you as soon as I return to town, which "will be in the middle or soon after the middle

"of this month. I am, sir,
"Your obedient humble servant,
"William Adam."
Addressed:
"Mr. Kennett, 13, Moore Place, Lambeth."

No. 20.

"Lieutenant-colonel Taylor encloses, for Mr. "Kennett's perusal, a letter from Mr. Chapman, and is very sorry to find from it that "the situation of Vendue Master is disposed of. "Mr. Chapman has been out of town, which "accounts for the delay, in regard to the receipt of the information now given.—Should "Mr. K. wish to see col. T. he will be here to-"morrow between three and five o'clock.

"Horse-guards, 22d Nov. 1804."

No. 21. "(Private.)"
"Downing-street, 22d Nov. 1804.

"Dear Taylor;—Lord Camden desires me "to request you will express to the Duke of "York his great regret, that the office of Vendue Master of Surinam was disposed of be-"fore you communicated h. r. h.'s wish in fa-"vour of Mr. Kennett. Believe me, very sin-"cerely your's, Jas. Chapman.

"I should have given you an earlier answer, "but have been out of town."

Addressed:
"Lt. col. Taylor," in an envelope, "To Mr. Kennett, &c. &c."

Lieut. Col. TAYLOR was called in, and examined.

(By Lord Folkestone.)

Look at that letter. (No. 8.) Is that your hand-writing? Yes, it is.

Peruse the letter, and state to whom it was addressed. I believe to Mr. Kennett, from what I have heard of this business; there is no address.

Peruse No. 13, and state to the committee, whether you ever wrote the letter of which that purports to be a copy? I believe I did.

Peruse No. 18, and state whether you ever received the letter of which that purports to be a copy? I think I did.

Have you the letter which you received, of which you believe that to be a copy? I have not.

Do you know what is become of it? I believe I destroyed it.

It appears as if this was a draft of two distinct letters; do you mean that any letter you have received contained both those letters, or only one of them? I can only speak from memory; I think the transaction was in 1804; it is impossible for me to charge my memory accurately respecting it; I have kept no papers upon the subject.

Which of the two letters do you think you received a copy of? There is one of the letters I can read with difficulty; it is erased, and there are pencil marks in it; I believe them to be two distinct letters.

Did you receive both? I believe I did, I can only speak from memory.

You destroyed both that you received? I am confident I destroyed all I received.

One of these appears to have part written in pencil and part in ink; can you charge your memory whether that which you received had that written in pencil or that written in ink? I cannot charge my memory.

[The following Papers were read:—No. 13. Note from col. Taylor to Mr. Kennett.—No. 18. Rough draft of two letters from Mr. Kennett.]

No. 13.

"Col. Taylor presents his compliments to Mr. "Kennett, and is extremely sorry that he could "not wait, as the Duke's carriage was waiting "for him. He is directed by h. r. h. to say, "that he will apply for the situation of Assistant "Commissary General, &c. &c. at Surinam, but "that he will be able to do it with more effect, "if sir H. Mann will write to h. r. h. recom-"mending Mr. Kennett.

"Robert Kennett, esq. &c. &c. &c.
"Horse-Guards, Aug. 15th.

"No. 18.
"Sir, Moore Place, Lambeth,
I called Sept. 16th, 1804.
"I did myself the pleasure of calling on Mr.
"Greenwood yesterday, respecting the loan to
"h. r. h. and of my intention to write to Mr.
"Adam, which I did by last night's post,
"wherein I requested Mr. A. to say if I could
"forward the business in any way previous to
"his returning to town.
"I beg leave, Sir, also to observe, I was
"with the gentleman yesterday, in the city,
and I still
"respecting the business of Surinam, and who
flatter myself with the possibility of getting the
"still hoping if possible, to be yet favoured with
appointment of C.
"the appointment of the collectorship, (in pre-
"ference to any other) and in the event will he
that h. r. h. wishes.
"advance to any amount the situation in par-
"ticular (of army agent, &c.) being of trivial
"emolument, adequate to the risque of the cli-
"mate."

"Sir; With all due reference and respect to
"h. r. h. the D. of Y. for his application in my
"behalf of the appointment of Army Agent,
"&c. at Surinam, but as the emoluments of it
"are but trivial, adequate to the risque of the
"climate, (and the short time it may be in our
"possession) I beg leave to decline accepting it.
"Permit me Sir, to observe,
"As there is yet a proba-
"bility of succeeding to the appointment of
without presuming
"Collectorship of the Custom,* I hope I may
the ^
"have preference, but as I believe there is no
^
"warrant made out for it—but in the event

"Sir, in that case,
"that is inevitably disposed of, allow me to
h. r. h.'s patronage for A
"solicit the situation of Vendue Master, at
A
"a per centage, on the same footing as at
"Demerara.
Addressed:
"Lieut. Col. Taylor, &c. Oatlands."

State to the committee what you know of the transaction respecting which, in your first letter, No. 8, you desired Mr. Kennett to call upon Mr. Greenwood.—As far as I can recollect, Mr. Kennett wrote to me at Oatlands, a short note, stating that he had something to propose to me for the advantage of h. r. h. the D. of Y. and desiring that I would see him; I am not quite certain whether I appointed him there or in London, but I think at Oatlands. Mr. Kennett mentioned to me I think then, or in a note (I cannot charge my memory exactly, having kept no notes,) but I think he verbally mentioned to me, that he could procure for h. r. h. the loan of 30 or 40,000*l.*; and as far as I recollect that was all that passed then, except that I said I should submit it to h. r. h. the D. of Y. and let him hear further from me upon the subject.

Do you recollect the date of this conference with Mr. Kennett? I do not.

State it as nearly as you can? I really cannot recollect.

Do you recollect the year? I do not recollect the year, I was told of it coming here.

Do you mean to state that this was the first step in this transaction? Yes, it was.

That Mr. Kennett volunteered his services? He did.

Did you inform the D. of Y. of this application of Mr. Kennett's? I did.

What was the result? I was desired to refer Mr. Kennett to Mr. Adam.

Do you know any thing more which took place respecting that transaction? At that time, or subsequently, Mr. Kennett mentioned to me that he was very much supported by sir Horace Mann, with whom he had been long acquainted; and he told me, that sir Horace Mann had desired him to say he should feel very much obliged to me, if I could use my influence with the D. of Y. to assist him in obtaining a situation. I am not certain whether that was in his first verbal communication or in his second.

Was the second communication long after the first? No, very shortly.

Between the first and the second, do you know whether Mr. Kennett had seen Mr. Adam? I believe not.

What passed at that second meeting? I really cannot state exactly what passed; I cannot charge my memory with the particulars.

Did you state to the D. of Y. when the offer of the loan was made by Mr. Kennett, that sir H. Mann would be much obliged to the Duke if he could procure for Mr. Kennett a place? Mr. Kennett's communication respecting sir H. Mann was subsequent to the offer of the loan; the offer of the loan had been communicated to h. r. h. previous to the communication respecting sir H. Mann.

Are you certain that the communication respecting sir H. Mann was at the second meeting? I am almost certain, as far as I can be from recollection.

Are you certain that it was after the first conversation with Mr. Taylor? I have stated that it was subsequent to the first.

Do you mean to state, that you are not certain whether it was at the second or some subsequent meeting? Yes, it certainly was not at the first.

Did you ever state that communication respecting sir H. Mann's wishes to the D. of Y.? I did.

How soon after Mr. Kennett had informed you of that wish of sir H. Mann's, did you mention it to the D. of Y.? I think, almost immediately.

You do not know what interval there was between the offer of the loan and that communication respecting sir H. Mann's wishes? I really cannot say.

Was the negociation of the loan ever concluded? I believe not; but I do not know; for h. r. h. has not been in the habit of employing me in his money transactions.

Do you know any thing more of that negociation about the loan? Mr. Kennett called upon me several times, and wrote to me occasionally; but it is very difficult for me to recollect what passed upon the subject, from the time that has elapsed; but as far as I recollect Mr. Kennett mentioned to me repeatedly that he had seen Mr. Adam: he complained of Mr. Adam's delay; and at one time he said he really began to think that h. r. h. and Mr. Adam were indifferent about the loan, from having been put off so often as he had been.

State to the committee what you know with respect to the steps taken to procure Mr. Kennett a place, and the correspondence with Mr. Adam and others upon that transaction? In consequence of Mr. Kennett's communication to me, particularly that in which he mentioned, that sir H. Mann was very much interested in his favour, I stated to h. r. h. the D. of Y. Mr. Kennett's wish to obtain an office; those offices were specified by him; I do not recollect what they were, and h. r. h. authorized me to write to Mr. Long upon the subject; I do not recollect writing any other letter; I probably have, but I cannot charge my memory, having had no reference to papers.

Were the two letters of which you have read the copy, (No. 18.) shewn to the D. of Y.? I cannot recollect, but I believe not.

Was the substance stated to the D. of Y.? I dare say it was.

Have you any doubt that it was? I have no doubt that I did state it to the Duke; not that I can positively say that I did; but I probably did.

Was it in the regular course that you should state it to the Duke? I certainly should have stated it to the Duke if I received such letters, believing the communication to be intended for him.

Do you know whether Mr. Kennett ever obtained any appointment? I understood not.

What was the situation about the D. of Y. which you filled at that time? I was private Secretary to h. r. h.

[The witness was directed to withdraw.]

CHARLES GREENWOOD, esq. was called in, and examined.

(By Lord Folkestone.)

Do you recollect Mr. Kennett coming to you? I do.

State to the committee all you know respecting that transaction.—I know very little about the transaction, further than Mr. Kennett's calling upon me, I understood by the D. of Y.'s commands, communicated by col. Taylor; I heard what he had to say, but I considered it a wild proposal, and did not much attend to it.

When was this? I really cannot recollect the time.

What was the proposal which you state to have been a wild proposal? A very large loan, and without any thing required but personal security; that was the proposal to the best of my recollection; I may be mistaken.

To what extent was the loan? To the best of my recollection 30,000*l.*; I am not at all clear upon it, but I think it was so.

Did Mr. Kennett state to you, that he wished for any thing else in consequence of the advance of this sum of money, besides personal security? I understood his object was to obtain some appointment for a friend.

What sort of appointment? I do not recollect.

Do you know who that friend was? I do not.

Do you mean an appointment under government? I concluded so; upon recollection, I doubt whether it was not some appointment in the West Indies that was his aim.

Did you state this conversation to the D. of Y.? I stated the substance of it.

What was the Duke's observation? I do not think that h. r. h. gave much attention to it, but said it might be enquired into, or something to that effect.

Do you know whether it was inquired into? I rather think that col. Taylor or Mr. Adam, I am not clear which, had directions to inquire about it.

Do you know, of your own knowledge, any thing more about it? I really do not.

Did you ever see Mr. Kennett upon the subject afterwards? He called upon me two or three times.

What passed upon those occasions? Repeating his offers, and I paying very little attention to them.

Did he at each time repeat his application for a situation under government? I do not recollect that he did.

Are you certain about it? He might have possibly stated his wish for an appointment under government more than once; I cannot be certain of it; but in general, the conversations were very short with me.

Did you communicate those conversations to the D. of Y.? I do not think that I did, all of them.

Did you communicate some of them to the D. of Y.? I remember telling the D. of Y., that I did not think it was a proposal that could be of any effect.

Did you ever state to the D. of Y. his wish to obtain the situation under government? I believe I did.

Did Kennett ever apply for a situation under government for himself? Not to my knowledge.

Always for a friend? I always understood him so.

Are you certain that he so stated it? I am certain that I understood him so.

Did you know who Mr. Kennett was? I heard that he had been in trade in Bond-street.

Did you know what profession he carried on at that time? No.

Did you know where he lived? No, I rather think he lived somewhere beyond Westminster-bridge, but I do not know where.

Did you know that he had been a bankrupt? I do not know that for certain, I knew he had been in trade, but whether he had failed or not, I do not recollect.

Did you ever inquire into this man's character? I had heard an indifferent character, I did not inquire about him.

Did you state the result of those inquiries to the D. of Y.? I believe I stated that he was a man not to be attended to; I think so.

Are you not certain that you did so? I think it must be so, because it was my feeling.

You have no doubt that you did so state? I have no doubt that I did.

[The witness was directed to withdraw.

Lieut. Col. TAYLOR was again called in, and examined.

(By Mr. Huskisson.)

Pending the transaction with Mr. Kennett, which you have mentioned, did you make any enquiry respecting his character? I did not, he was only known to me from sir Horace Mann's recommendation.

Did any friend of your's state to you any thing he knew of him? In the course of his visits to the Horse Guards, where he came three or four times, more or less, he was met by a person who asked me whether I had long known him; I stated to him that I only knew him from sir Horace Mann's recommendation, and from his communications to me subsequent to that. He then told me, that he had formerly known him; I think he said he had been a stock-broker, but I am not certain; but I am certain that he said he had failed, and that there were circumstances attending his failure which were not to his credit, and he cautioned me against him.

Did you communicate to h. r. h. the D. of Y. this information? I did.

What passed between yourself and h. r. h. in consequence of your making this communication? H. r. h. ordered me in consequence, to drop every further application in his favour.

Is there any other circumstance connected with the communications you held with Mr. Kennett that you can recollect, and which is material to this inquiry? I cannot say I recollect any other.

(By Lord Folkestone.)

Do you recollect when that information was given you, respecting Mr. Kennett? I do not, it was after I had had several communications with him, as I have before stated.

Had you any communication with him afterwards? None that I recollect; I might have some verbal communication with him, but none that was material, certainly.

From whom was it you received this information? I was desired by the person giving me the information not to name him.

When you first saw Mr. Kennett, did he come recommended by sir Horace Mann? He did not.

Did you see him frequently before he was recommended by sir Horace Mann? I think it was the second time that he mentioned the interest sir Horace Mann took in his favour, and I think he brought a letter from sir Horace Mann to me.

Did he bring that letter in consequence of any wish expressed by you that he should bring some recommendation before you would enter into a negociation of this sort? He did not, the recommendation from sir Horace Mann was spontaneous.

Did you not know that Mr. Kennett had been a bankrupt? I did not, I knew nothing of Mr. Kennett till I received that information.

[The witness was directed to withdraw.

WILLIAM ADAM, esq. attending in his place, was examined.

(By Lord Folkestone.)

State to the committee what you know of this transaction.—When this transaction was begun to be stated by Mr. Duff, and that he mentioned Mr. Kennett, I had not, at first, the most distant recollection of such a transaction ever having taken place; but as Mr. Duff went on and stated some circumstances, the recollection of such a transaction recurred to my mind, and the circumstance of my two notes and my letter having been put in my hand, has made that recollection still more accurate, as far as it is possible for me to call that accurate at all which rests in recollection at so long a distance of time. I remember to have seen Mr. Kennett on the business of this proposed loan, and upon that only; nothing, as far as I can recollect, was ever stated to me by him but that; and the first impression I now recollect that I had of it was, that it would not turn out a loan that could be entered into. I apprehended that soon after my first interview, if I had more than one with him in the month of August, I must have left town for Scotland, and, consequently, have known nothing of what was proceeding, if any thing was proceeding in the interval; and I can only account for the last letter, the letter written from Scotland, in this way; that previous to my departure from my residence there, I had been considering the different matters I was to enter into, probably, when I returned to town, and amongst the rest had written upon that subject. I do not recollect ever to have seen Mr. Kennett after my return; at the same time I think it is probable that I may have seen him, but the loan was put an end to, and all intercourse with Mr. Kennett was put an end to without any thing being done. I think it right to say, that I knew nothing at all of Mr. Kennett when he first called upon me, or any thing respecting his character. This is all I can call to my recollection.

Did you make any enquiries respecting the character of Mr. Kennett? I have no doubt that I must have made enquiries, though I cannot recollect them; and I think the information which col. Taylor mentions, must have been communicated to me.

Do you mean that it was communicated to you by col. Taylor? I can only say that I presume it was, but I cannot speak from any certain recollection.

You cannot say whether you heard it from col. Taylor? I cannot say positively whether I heard it from col. Taylor.

Nor can you recollect when you heard it? I cannot recollect when I heard it, but I think it must have been after my return from Scotland, in October, 1804.

What was that information? That he was a person not at all likely to accomplish the object, and a person of the character which has been alluded to by col. Taylor.

G. L. WARDLE, esq. (having delivered in some letters,) was examined.

(By Mr. Lockhart.)

Are the letters which you have now delivered in, the letters which are alluded to in Mrs. C.'s letter of the 28th January? I presume they are; they are the letters of the officers she was to have got recommendations for; I know of no other letters, and I possess no others.

State with as much accuracy as you can, the time when you received these letters from Mrs. C.? I have no memorandums enabling me to state the date precisely.

In what year was it? It was within the last two months.

Are they the letters stated to have been delivered to you with a view to facilitate some negociation? Yes, I suppose so; they are letters of recommendation of officers for promotion, which I understood from Mrs. C. were sent to her by Mr. Donovan for her to get further recommendations upon.

WILLIAM ADAM, esq. was examined.

(By Mr. Charles Adams.)

Were you consulted as to whether the annuity to Mrs. C. should or should not be paid? No, I did not know of its having ceased to be paid.

Then the committee are to understand you did not advise the non-payment of the annuity? Certainly I did not.

Was it known to you that the Duke refused to pay this annuity? I knew it in no other way than by the communications which I had with h. r. h., as well as I can recollect at the time I received those letters from Mrs. C., which have been laid upon the table of the house.

Do you know the reason of such refusal? I did not know the specific fact or facts that was the cause of the discontinuance of the payment of the annuity, but I know in general from the same source, I mean from conversations with h. r. h., that the annuity was discontinued in consequence of an impression upon his mind, that Mrs. C.'s conduct had not been such as to fall within the condition upon which the annuity was originally granted; when I say originally granted I do not mean to have it inferred that there was any regular grant of the annuity, but that I was desired to state, at the time that I communicated to Mrs. C. that h. r. h. was not to see her again; that she was to receive a quarterly sum in the manner that I have stated in my former evidence, 100*l.* a quarter.

Did the discontinuance of that annuity arise at all from the Duke's knowledge of her interference in military promotions? I had no reason to believe that h. r. h. was at all acquainted with any such interference at the time the annuity was discontinued. I wish to add, that the annuity was an annuity, the payment of which, as I have already stated in my evidence, did not fall within any fund of h. r. h.'s that was under my administration. I hope the committee will not think it improper I should go on to state, that this matter may be clearly and distinctly understood, which was a little misunderstood on a former night, notwithstanding the manner in which I endeavoured to express myself in the early part of this proceeding, that that portion of h. r. h.'s income which he retains for his own expenditure in his family, on his property, and in whatever other mode his expenditure is applied, is not in the least within the province of my trust or knowledge; that all that is within my trust or knowledge is that sum which has been appropriated by h. r. h. towards the payment of the interest and the liquidation of the principal of those debts.

(By Sir James Graham.)

State, if you can, at what time, and by whom the impression was made upon h. r. h.'s mind to which you have referred? I certainly do not know by whom it was made, nor do I know at what time it was made. I have already stated the time at which I first became acquainted with it, or nearly so.

Mrs. MARY ANN CLARKE was called in, and examined.

(By Mr. Lockhart.)

Are these the letters which you delivered to Mr. Wardle, in order, as you stated in your letter to Mr. Donovan, to facilitate some negociation? [The letters delivered by Mr. Wardle being shewn to the Witness] Yes, these are the letters.

When did you deliver these letters to Mr. Wardle? Soon after I received them from Mr. Donovan.

When did you receive them from Mr. Donovan? I do not recollect.

The letters appear to be all dated in the beginning of the year 1808, had you them in your possession from the time of the dates until you delivered them to Mr. Wardle? I cannot exactly say.

Look at the letter, and say whose handwriting it is? [A letter being shewn to the witness] I do not know.

Look at that letter (No. 2) and say whose hand writing you believe that to be? I do not know the hand at all.

Look at the letter (No. 3) and say whose hand-writing you believe that to be? I do not know.

These letters purport to be certificates from officers; did you give these letters to Mr. Wardle with a view to his procuring the signature of any member of parliament as an additional recommendation, not knowing whose handwriting the original recommendation was? I gave another to gen. Clavering, and he took the precaution of enquiring at Mr. Greenwood's, or the Adjutant-general's. I believe it is one of those I gave to gen. Clavering, that signed "Ross."

These letters purport to be certificates from officers; did you give these letters to Mr. Wardle with a view to his procuring the signature of any member of parliament as an additional recommendation, not knowing whose handwriting the original recommendation was? Yes, Mr. Donovan told me they were all correct, and that they were the officer's recommendations in a proper manner.

Did Mr. Donovan tell you they were the hand-writing of the respective officers whose hand-writing they purport to be? Yes, he did.

Do you now know the hand-writing of the person who wrote either of these letters? No, I do not.

Do you know the hand-writing of Mr. Donovan? Yes, I have had a great many letters from Mr. Donovan.

Look at that letter and say whether that is not the hand-writing of Mr. Donovan? I think that looks very like it, but I would not take upon me to say it is, when it is signed "William Wallace;" I think it looks very like it.

At the time you received that letter, did you conceive that the body of the letter was of the hand-writing of Mr. Donovan? No, I certainly did not, nor should I without looking at it again. I would not think that a man would presume to put another man's signature; and I am not sure that it is his writing now, but it is very like it.

Was the only reason for your not supposing it to be the hand-writing of Mr. Donovan at the time that you received it, that the signature was the signature of another person? I never made any remarks upon it at all; perhaps I did not read it.

Did you put letters into the hands of a member of parliament to procure his recommendation, those letters being original recommendations themselves, without reading them? Yes, I should, because the person would take care that it would be proper before he got any thing done, as gen. Clavering did; he went to ascertain the writing, and found it to be correct, as he told me.

Look at both the letters signed "Wallace." [They were both shewn to the witness.] One is only a copy of the other letter? Mr. Donovan has copied this letter; I suppose you perceive that; if you read them, they are both the same.

When did you receive the copy, and when did you receive the original? I cannot tell; here they both are; I can tell nothing further than that.

Did you receive them both at the same time? I cannot tell.

The letters are not merely a copy; one is addressed at the bottom, and the other is not? General Leigh is left out in one.

Which is the original? That I will leave to the honourable house to find out; but the other is addressed on the outside to gen. Leigh, that is the only difference; what is at the bottom of one is on the outside of the other; it is only half a sheet of paper, that he could not put it upon the back perhaps.

How do you know that Mr. Donovan has copied the one from the other? Because it appears from looking at them; I think that the looking at them would convince any one.

You have now no doubt of one of these letters being Mr. Donovan's hand-writing? No, I think one is his hand-writing perhaps; it is very likely; I do not know.

(By Mr. Huskisson.)

Are these the letters which you state yourself, in your letter to Donovan, of the 28th of Jan., to have put into Mr. Wardle's hands for the purpose of facilitating the negociations? Yes, I think they are; but gen. Clavering had one; I do not know what is become of that.

Are these all the letters you put into Mr. Wardle's hands for the purpose of facilitating the negociation? Yes.

And to which you refer in your letter of the 28th of January? Yes.

Explain to the Committee in what manner you conceived these letters in Mr. Wardle's hands were to facilitate a negotiation? He told me he would get some recommendation from some members of parliament.

Mr. Wardle told you that he would use those letters for the purpose of facilitating this negotiation, by getting the signature of some members of parliament? Yes, he did, and he has made a different use of them; I dare say he never tried.

Then you were led by Mr. Wardle to expect he would accomplish the object for which you put these letters into his hands, that of facilitating a negotiation from which you were to receive some pecuniary advantage? Yes, but I find now he was only laughing at me; it was only to get into the secrets of Donovan and myself.

(By Mr. Hanbury Tracey.)

What was the reason assigned for the nonpayment of the annuity, or was there any reason assigned? There was no reason whatever assigned.

Do you recollect what the conditions were upon which the annuity was to be paid? No; there were no conditions at all; Mr. Adam promised faithfully, both to me and to my lawyer, to see it punctually paid. I believe you are going to call in Mr. Reid; it is quite unnecessary, for I do not deny any thing Mr. Reid said about sending me wine.

Why, if the letters now produced are the letters you delivered to col. Wardle for the purpose of facilitating some negotiations which relate to army promotions, do you describe one of them, in your letter of the 28th of January, as referring to two deaneries? In my opinion it did not refer to any such thing.

[Mrs. Clarke's letter to Mr. Donovan, of the 28th of January, was read.]

Those are the letters he took away.

Can you state nearly the total amount of the different sums that were paid on your account by the D. of Y., during the period you continued under his protection? I knew nothing at all about it, what he paid.

Do you recollect whether your coachman in Gloucester-place, was on board-wages? He lived in the house till he married, and then he was on board-wages.

The *Chancellor of the Exchequer.* See if Mr. Reid is in waiting.

Mrs. *Clarke.* Why, sure, you are not going to send for him.

The *Chancellor of the Exchequer.* The witness may be assured that I would not call Mr. Reid if it was not necessary.

Mrs. *Clarke.* I beg to ask, whether it is necessary for Reid to be called in while I am here; may I not take the sense of the honourable house upon that; (A laugh.

[Mr. Reid not being in attendance, the witness was directed to withdraw.]

G. L. WARDLE, esq. was examined.

(By Mr. Huskisson.)

Did Mrs. C. put any letters into your hands, avowedly for the purpose of facilitating the negotiation, and stating that to be the object? She put them into my hands, and said, she wished I would get them signed for her; but till she made known the circumstance last night, I really did not know what she meant by the term negotiation.

What answer did you make to this proposal? Really, I believe, I said my friends were on the wrong side of the house, or some answer of that description, and that very little more passed; and I took the letters, and kept them ever since.

Then if you stated that your friends were on the wrong side of the house, what led you to make that statement, not understanding what she meant by facilitating the negotiation? Certainly, when I heard her note read, I had not the most distant idea of what she meant, nor had I till I heard her state the circumstance last night.

Were the letters she put into your hands for the purpose of facilitating the negotiation, the three letters you have delivered in this evening, or the letters referred to in her letter to Mr. Donovan of the 28th January? I believe the letters referred to in her letter of the 28th January were on the table of this house at the time she wrote that note, or very nearly so; I had the letters she refers to in that note a long period before that letter was written; I had the letters respecting the deanery and the queen, I believe, long prior to my having those I have delivered in to-night.

Then the Committee is to understand, that the letters referred to in Mrs. C.'s letter to Mr. Donovan of the 28th of Jan., as having been put into your hands for the purpose of facilitating the negotiation, were not the letters described by Mrs. C. in her letter to Mr. Donovan? I should conceive it impossible, for I had them a long period before, and I believe they were upon the table of this house at the time she wrote that letter.

Were you aware that one of those letters which you delivered in this evening was in the hand-writing of Mr. Donovan? I certainly was not, I hardly ever looked at them till to-day; I perceived that one was a copy, but I never attended to it at all.

[The following extract from Mrs. C.'s evidence was read.]

"Explain to the committee in what manner you conceive those letters in Mr. Wardle's hands were to facilitate a negotiation? He told me he would get some recommendations from some members of parliament. Mr. Wardle told you that he would use those letters for the purpose of facilitating this negotiation, by getting the signature of some members of parliament? Yes, he did; and he has made a different use of them; I dare say he never tried."

(By Mr. Lockhart.)

Is that statement which has just been read true? I have before stated, that when Mrs. C. gave me these letters, I said, that my friends were on the wrong side of the house, or something of that kind; and I really do not recollect that any thing further passed upon the subject.

Did you make the promise which Mrs. C. has stated you made? I certainly did make no direct promise; I gave her that sort of answer, which I have a dozen times repeated to this Committee.

Did you make any promise whatever, direct or indirect? I have answered that question frequently; I never said more to her upon the subject than I have stated to the house.

(By Mr. Croker.)

Is Mrs. C.'s statement true or false? Really after I have most positively stated all that passed upon the subject, I should think the honourable gentleman is as equal to draw the conclusion as I am myself, it depends so much upon the impression at the moment, and my actions at the time. I was anxious to get the letters; that I made any direct or positive promise, I am not at all aware; by my taking the letters away she might draw that conclusion, but I have not the least recollection of such a promise having been made by me.

Can you positively state to the house that you did not give Mrs. C. reason to believe when you left her, that you would carry into effect her wishes as far as was in your power? I have before stated, that I do not recollect making her any promise whatever.

(By the Attorney General.)

Did you, directly or indirectly, promise Mrs. C. that you would comply with her request? Whether or not my taking away the letters, and making her the answer I have before repeated, might indirectly lead her to suppose I would do it, is more than I can say.

Mr. *Bathurst* begged to observe, that when one of their own members was called on to give evidence in his place, he stood in the same situation as any other witness. No witness in a court of justice would venture to make his statement, and then tell the judge and the jury to draw their own conclusions, in a similar case. He therefore was of opinion that the honourable member was bound to answer the question.

Mr. *H. Martin* contended, that the question was merely a repetition of a question that had been several times answered. Did the hon. member mean to ask whether the general statement of Mrs. C. was false? The right hon. gent. who had just sat down appeared to him to have fallen into a misapprehension respecting the practice as to evidence in courts of justice; for unquestionably it would be a sufficient answer to a repetition of a question in any court of justice, to say that the question had been already answered by the witness.

Mr. *Bathurst* denied that the question of the hon. member had yet been answered.

Mr. *Whitbread* agreed with the right hon. gent., that the question, "Whether the statement of Mrs. C. be true or false," had not yet been answered; but the question had been put in a shape which appeared to be pressing hard upon a member of that house. His hon. friend had often declared what he had said to be, that his friends sat on the wrong side of the house. It was possible that Mrs. C. might understand the words of his hon. friend to imply the promise she stated. She and his hon. friend might have a different understanding of the conversation that passed on the occasion. But though he admitted that the question "true or false," had not been answered in a direct shape by his hon. friend, he contended that it had been repeatedly answered in substance.

Mr. *Wardle* had no hesitation to answer the hon. member's question if he had known how. He was certainly anxious to get the letters, and had already stated all that passed; but it was impossible for him to say what might have been the impression upon the mind of Mrs. Clarke.

The *Attorney General* observed, that there could be no doubt of the propriety of the question. Mrs. C. had stated that the hon. member had made her a promise, and the hon. member denied that he had made any direct promise. The next question, therefore, to ask, was, whether the hon. member had made to her any direct or indirect promise, and, surely, there could be no offence in that.

Mr. *Wardle* again stated, that he had no objection to answer that question. He never had made Mrs. C. any positive promise, and had already informed the house of all that he had said upon the occasion.

Mr. *Croker* declared that he had put it in that particular form from a feeling towards the hon. gent. During the examination this night, and last night, he had observed that questions had been put in an indefinite form, to which answers had been given that did not prove satisfactory to any body. To avoid all ambiguity, therefore, he had put the question in a direct shape, in order to afford the hon. member an opportunity of giving an answer. It was the hon. member who had the conversation with Mrs. C., and it was he, therefore, that was competent to draw the conclusion.

Mr. *Barham* thought that it was more a question of conclusion than of fact, and the hon. gent. could not be called on not only to give his own opinion, but his opinion of the opinions of others.

Mr. *Croker* said he had done his duty in putting the question, it was for the hon. gent. to answer it as he thought fit, and the Committee to require what appeared to them necessary.

Mr. *Wardle.* I was anxious to get the letters, but made no direct promise that I am aware of.

Mr. Reid was called for, but was not in attendance.

Mr. *Beresford* rose to put a few questions to the hon. member (Mr. Wardle,) whilst the Committee was at a stand waiting for the witness.

Lord *Folkestone* rose to order. He thought the proceeding which had just taken place, of the most indecent description. The witness who was under examination had been ordered to withdraw at his instance, because he thought it would not be proper to call in the other witness while she was still at the bar. That suggestion had, however, been over-ruled, and Mr. Reid was called for; but when it was found that he was not in attendance, the gentlemen opposite had resorted to a kind of interlude, in a course of indecent examination of his hon. friend, in order to eke out the time till their witnesses should arrive. He must add, that it was no improper representation of the whole to call it a highly indecent, improper, and indecorous proceeding.

Mr. *Beresford* replied, that the representation made by the noble lord of his conduct, was neither a faithful, just, nor a true representation. He had not communicated with any body about him as to the questions he had to put, and had acted solely upon a sense of his duty, thinking the time he rose the most convenient to put his questions to the hon. member. Unless the Committee should stop him, he should, if not then, at least before he left the house, put those questions to the hon. member.

Lord *Folkestone* disclaimed any idea of accusing the hon. member of having communicated with others. It was the whole tenour of the examination that he complained of.

The *Chancellor of the Exchequer* begged to offer an observation on the censure which the noble lord had thought proper to cast upon some persons, whom he chose to consider as a corporate body, in bestowing that censure for the course that the examination had taken. The object he had himself in view in calling in Mr. Reid was, that, as Mr. Reid had given evidence as to the female who passed at his hotel as Mrs. Dowler, and it was impossible he could state her to have been the witness at the bar, he might, by appearing with her at the bar, be enabled to ascertain that fact. Upon inquiry, however, it was found that Mr. Reid was not in attendance, and whilst the Committee had to wait for his appearance, he was himself prepared to make that statement, to which he proposed to call the attention of the Committee after the case was closed on the other side. Mr. Reid had been sent for, but in the mean time several members thought proper to put questions to the hon. gent., out of which had arisen that debate which incurred the censure of the noble lord, and in which he had himself taken no part. He could assure the Committee, that no individual had communicated with him on the subject of the questions that they had put, and which called down the animadversion which began with him singly, and was afterwards extended to others. As Mr. Reid was not yet come, if the Committee would permit him and the other gentlemen upon whom the noble lord's censure had fallen, and would consent to let the matter rest here, he was prepared to state a fact which had been ten or twelve days in his knowledge, and which had been communicated to several gentlemen upon both sides of the house. He had reserved the communication of this fact till the case had been closed, and if the Committee should be of opinion that the circumstance ought to have been communicated earlier, the fault was entirely with him. His r. h. had wished him to make the statement earlier to the Committee, and consequently he alone was culpable, if it had been improperly withheld. The fact he had to state was, the suppression of testimony as to one of the charges which had been brought before the Committee, namely, that with respect to major Tonyn's case. It appeared by the minutes, that a sum of money had been lodged by capt. Tonyn to be paid to Mrs. C. and Mr. Donovan in the event of his promotion taking place. It appeared, also, that after some time, capt. Tonyn became impatient, and demanded his security back in May or June. (Here the right hon. gent. referred to the parts of the Minutes of the Evidence of Mrs. C. and capt. Sandon relative to that part of the transaction.) The important suppression to which he wished to call the attention of the Committee was in the evidence of capt. Sandon. But before he mentioned the circumstance, he should state to the Committee the manner in which he received the information. On Saturday se'nnight a letter had been delivered to him by col. Hamilton, from his learned friend opposite (Mr. Adam), acquainting him that col. Hamilton had an important communication to make. He saw col. Hamilton a few minutes after he waited on him, and learned from him, what he collected from capt. Sandon, since his arrival in England from abroad. Col. Hamilton was an officer in the Waggon Train, to which capt. Sandon also belonged. On his arrival in England, col. Hamilton learned the state of things with respect to the charges brought forward in that house, and, amongst others, that respecting major Tonyn's case. Col. Hamilton then sent for capt. Sandon, who stated to him all he knew of the transaction, being all he had stated at the bar of the house afterwards, with the exception of what he had suppressed. Capt. Sandon said, that when major Tonyn became impatient, he went to state the circumstance to Mrs. C., who sent him back to major Tonyn to inform him that she had received a Note from the D. of Y. respecting his case, which Note was shewn to major Tonyn by capt. Sandon. The Note was, "I received your Note, and Tonyn's case shall remain as it is." This Note was intended to shew that the person to whom it was written had influence, and, in consequence, major Tonyn consented to let his security remain. When major Tonyn was gazetted, capt. Sandon was directed to shew him another Note, purporting to have been written by the D. of Y., and stating, "Tonyn will be this night gazetted." The former Note capt. Sandon shewed to col. Hamilton, and said, that he thought it would be the best course to destroy it. Col. Hamilton, on the contrary, strongly dissuaded him from destroying so material a part of the evidence.

The other Note had been given to major Tonyn by capt. Sandon, but was not afterwards given back. Col. Hamilton mentioned the matter to his learned friend, and, by his advice, went to capt. Sandon, when he obtained a copy of the Note, and again repeated his injunction to the captain not to destroy the Note. He understood that capt. Sandon, when he came to London, proposed to see Mr. Lowten, agent for h. r. h., and also to wait on Mrs. C., in order to his being examined by each. His learned friend had sent col. Hamilton to him, and followed soon after himself. It appeared to him, as he trusted it would to the Committee, that his learned friend and himself should instruct col. Hamilton as to the course which capt. Sandon should pursue. They recommended that he should not submit to be examined either by Mr. Lowten or Mrs. C., but keep himself clear of all interference on either side, until he should come to the bar, but above all things not to destroy the paper. These were the instructions which had been given to col. Hamilton. It would also strike the Committee, that his communication ought to have been made to h. r. h. the Commander in Chief. But whatever might be the result of the investigation then pending, neither he, nor his learned friend, as members of parliament, could, consistently with a sense of duty, make themselves the depositaries of this secret. As it had been communicated to them, they felt they were bound to make it public. The communication of the circumstance had been made to the Commander in Chief late on Saturday. His r. h. utterly denied all knowledge of the matter, and declared the Note to be a forgery. The Commander in Chief came shortly after to his house with his learned friend, and restated with the strongest conviction, upon the best efforts of his memory, that he had no knowledge of the matter, and that he wished it to be sifted to the bottom. As to the fact of the Note relating to the appearance of major Tonyn's name in the Gazette, h. r. h. could not be so positive. He could not state that he might not have written such a Note, in answer to a Note which might have been addressed to him; he could not call the circumstance to mind. The other Note, however, h. r. h. most positively denied having written. His learned friend had stated what passed between col. Hamilton and capt. Sandon, who acted as it was wished he should. He told col. Hamilton that he would come here, and, as he did, tell the truth, but that he had destroyed the Note. When they found that the Note had been destroyed, they ceased to have any communication with capt. Sandon, and left him to come to the bar, and state what case he should think proper. He had come to the bar, but had suppressed this important feature in his evidence, which, whether the Note were a forgery or not, ought to be communicated to the Committee, in order that, if a forgery, the authors might be detected and punished, and, if not, that it might have its due weight in the pending investigation. He had thought it his duty to make this communication to the Committee; and, if there was any impropriety in having delayed it till this period, the fault was his, though he had reason to suppose it ought to have been brought out in the examination of evidence at an earlier period of the inquiry.

Mr. *Adam* observed, that his right hon. friend, who just sat down, had stated this most important circumstance with so much correctness, clearness, and accuracy, that little more remained for him than to corroborate his statement. The learned member then briefly recapitulated the several facts mentioned by the former speaker, and stated, that in his interview with the Commander in Chief, h. r. h. distinctly and clearly disavowed ever having written such a Note. On the day subsequent to the interview, col. Hamilton mentioned to him the destruction of the Note. It was then agreed between him and the right hon. gent., that they should both make communication of the circumstances to certain gentlemen on each side of the house. The right hon. gent. had done so to his side, and he to a noble lord (H. Petty), an hon. member near him (Mr. Whitbread), and another.

Captain HUXLEY SANDON was called in, and examined.

(By the Chancellor of the Exchequer.)

You were examined the other day on the subject of major Tonyn's promotion; did you on that occasion state all the particulars you recollected of that transaction? To the best of my recollection I did.

You did not keep back any important fact? No, not that I recollect.

You stated that major Tonyn was dissatisfied with the delay; that you observed to him, that he had better wait for a few days, for that you thought in all probability he would be gazetted;

and, after arguing the point for a little, he said, for two or three gazettes it does not signify; let the business go on; and if I find I am gazetted in a week or ten days, the business shall be as it originally was? I believe that was what I mentioned.

And that was what then passed? That is what I can bring to my recollection.

That is all you can bring to your recollection? Yes.

Did it pass in those words? As nearly as I can recollect.

Do you recollect any of the arguments you used to persuade major Tonyn to think that this friend of your's had an opportunity of influencing the Duke? Not particularly; I told him I thought he had better wait two or three gazettes, and most probably he would be gazetted; indeed I had reason to suppose that it would: that was all that I can recollect.

Did you inform Mrs. C. of Mr. Tonyn's inclination to withdraw his money? Yes, I did; I waited on Mrs. C. which I related before, and told her he was dissatisfied at the delay, and desired he might have his memorandum again, which was for the 500 guineas.

Do you recollect what passed with Mrs. C. upon that? Mrs. C. said he was a shabby fellow, but she wanted money, and begged that I would desire him to stop for a few days, and most probably he would be gazetted.

That is all that you can recollect that she desired? That is all that I can recollect she desired.

You are quite sure of this? To the best of my recollection.

Recollect yourself thoroughly that you may not be taken by surprise; will you now continue to state, that, to the best of your recollection, this was all that passed? I think it is all that passed, that is my opinion.

Do you recollect whether there was any paper shewn to major Tonyn in the course of that conversation? A paper, how do you mean?

Was there any paper shewn to major Tonyn? Mrs. C. gave me a note that I should shew to him.

Then you did not state all that passed? I took her note to say that he had better wait.

A note from Mrs. C.? Not immediately a note from Mrs. C. to him; she said, shew him this note, that he had better wait. He doubted that; he doubted that I had any body that I could apply to, he doubted my ability to get the situation.

Then you did use some other arguments than those you stated in your evidence by the production of this note? I merely said I thought this was the business. I did not mention who it was that was the interest; I said I had a paper which would shew that probably he had better wait; merely to say, that he had better wait.

What was the note to say, that major Tonyn had better wait? That I cannot recollect, I cannot charge my memory what it was.

Do you recollect from whom the note was? From Mrs. Clarke.

A note from Mrs. C. to yourself? Yes, merely to say that if he would wait a little time he would have it.

The note you shewed was a note from Mrs. C. to yourself, to prevail upon major Tonyn to think he had better wait? Whether the note was addressed to me, or to any other person, I cannot say; but it was said, you had better take this note, and shew to him, and let him see, that if he will wait the thing will be carried through.

Your recollection is, that it was to the effect of advising major Tonyn to wait a little while? To wait with patience for a few Gazette days.

That is the substance of it? That was the substance of it, as well as I remember.

Did you see Mrs. C. write the note when you called upon her? I do not recollect that I did.

You are not sure that you did not? I am neither sure that I did, nor that I did not, she was very impatient about the money.

You have no recollection whether you saw her write the note or not? No.

You are quite sure you received a note from her? Yes, I am quite sure I received a note from her.

Did you see Mrs. C. more than once, to communicate to her the doubts of major Tonyn? I cannot recollect, I cannot call to my memory whether I did see her again.

There was not more than one note? No, I had only that piece of paper which I mentioned.

Do you recollect what you did with the note; did you give it to major Tonyn? That I do not recollect, whether I gave it to major Tonyn, or what became of the note.

You really do not recollect? No, I do not.

Though you are not quite sure whether you saw Mrs. C. write the note or not, are you certain whether it was Mrs. C.'s hand-writing? I cannot pretend to say, I rather think it was.

Have you always stated this part of the case in the same way? I believe I have, I think I have.

Did you never tell any body that this note was a note in the hand-writing of h. r. h. the D. of Y.? Not that I recollect.

Are you sure of that? I am very confident of it.

When did you first hear of these charges against h. r. h. the D. of Y.? I landed at Plymouth, I think, on the 24th of the month, and in coming from Plymouth to Portsmouth, by accident I took up the Traveller, and there I read these charges.

Do you know col. Hamilton? Perfectly well; I have the honour of being in the regiment with him.

Did you represent to col. Hamilton this part of the story in the way you have represented it now? I certainly asked col. Hamilton's advice how I should act upon the business, being the colonel of the regiment I belonged to, and I related chiefly what I knew of the business.

What you have stated now? Yes.

Recollect yourself; did you not state to col. Hamilton that the note which you shewed to major Tonyn was in the hand-writing of the D. of Y.? I do not recollect that I did.

Could you have done so? I should imagine not.

Are you sure you did not shew him the note? If I had, I certainly should not have forgotten it.

That is not quite an answer to the question? I had not the note to shew.

Did you not either give or permit col. Hamilton to take a copy of this very note that we are talking of? Not that I know of.

You surely must know that fact, whether you gave him a copy, or gave him an opportunity of taking a copy of this note? I really cannot bring it to my recollection.

If you had not the note in your possession, you surely would be able to bring to your recollection whether you gave him an opportunity of copying it? I rather think there was something of a note.

When was it that you now begin to recollect there was something of a note? It must be when col. Hamilton took the note, or saw the note.

Then he did take the note? He must have seen the note of course, if he took a copy of it.

You told me you thought he did not take a copy of it? I cannot pretend to say whether he took a copy of it.

Do you mean to say, that there was or was not a note referable upon this subject, which you shewed to col. Hamilton? Yes, I think there was a note.

Was it the same note you shewed to major Tonyn? That I do not recollect; I rather suppose it must have been the note that I did shew to major Tonyn.

Did you tell col. Hamilton that it was the same note? I do not recollect that circumstance at all, whether I did tell col. Hamilton it was the same note.

Your memory, at the first time a question is put to you, is not always so perfect as it is afterwards; do you recollect whether you did represent it to col. Hamilton as the same note you had shewn to major Tonyn? I shewed col. Hamilton the note.

You now recollect that there was a note, and that you shewed it to col. Hamilton? Yes, perfectly.

What is become of that note? I believe the note is mislaid.

When did you see it last? I saw it about six days ago, I think.

A note that you did not recollect to have been in existence when you began your examination, you now recollect to have been in existence six days ago? Yes.

Have you looked for it lately? Yes.

When? Yesterday, and the day before.

This note, which you did not recollect to have been in existence? It is true; could I have found it, I should have brought it.

I think you were examined just six days ago? Was it six; I really do not recollect the day.

Did you see that note the day of your last examination? It might be the day after, or the day, but I cannot recollect which.

You have done all you could within these few days to find it? I certainly have.

Are you quite sure you have not actually destroyed it? That I am very confident I have not.

Are you quite sure that you have not said you had destroyed it? No, never did I say that I had destroyed it to any body.

Did you not tell colonel Hamilton that you had destroyed it? No.

That you are positive of? That I am certain of.

Did colonel Hamilton ever desire you not to destroy it? Colonel Hamilton desired me to speak every thing that I knew, and to shew every thing I had.

Did he not expressly desire you to copy that paper, and not to destroy it? He desired me not to destroy any paper I had.

Did he not expressly desire you not to destroy that paper? Certainly.

Did he not do that more than once? I am sure I do not know; I have not more than once conversed with him.

You had conversation with him at Portsmouth, had not you? Yes, but he did not know that I had this paper, for I hardly knew it myself.

Did not you tell him you had a paper which you might destroy if you pleased? No.

You are quite sure of that? Yes.

And that he did not advise you upon that occasion not to destroy it? If I had had any idea, I might have destroyed it without telling him; I told him, and he advised me not to destroy it.

Where was this? At Portsmouth.

Had he it at Portsmouth? I had not the paper with me at Portsmouth, I told him I thought there was a note in existence.

Upon that occasion he did advise you not to destroy it? He did advise me not to destroy it; he said, do not you destroy a single thing.

When was it that colonel Hamilton took a copy of this paper? I believe it was the day after he came to town.

Do you recollect where you were when he took this copy? It was at the Coffee-house.

At what coffee-house, in what part of the town? I think it is Southampton-row.

When colonel Hamilton took this copy, did he again remark to you, that you should keep this paper and not destroy it? He desired me not to destroy it.

Did he at no second time desire you not to destroy the paper? Certainly.

Did you see colonel Hamilton again in the course of the same day? I rather think I did.

Where did you see him? I saw him at the British Coffee-house.

What did colonel Hamilton say to you when you saw him at the British Coffee-house? It was upon regimental business I met him then.

There was no reference at all to this subject? Nothing to this, I do not recollect a word.

Do not you recollect that he did upon that occasion also desire you not to destroy the note? No, I do not recollect that.

Did he not give you some advice with respect to your conduct referable to these charges? The same advice that he had given me before.

Which was, that you should not destroy the paper? To speak all I knew, and not destroy the paper; but this was in the morning, not at the second time when I saw him at the British Coffee-house; we came into the street together, he went one way, and I another.

Then nothing passed between colonel Hamilton and you upon the subject of these charges at the British Coffee-house? I do not recollect that there was.

Do not you recollect colonel Hamilton advising you not to suffer yourself to be examined upon the subject before you came to the bar of the house? I believe not at that period; he told me, when I was speaking to him in the morning, you had better be quiet upon the subject, say nothing to any body upon the subject, but when you are called, speak what you know, and do not destroy the paper.

Do you not recollect, that at the British Coffee-house, colonel Hamilton advised you not to submit to examination, but to speak the truth when you came here: and above all things, not to destroy that note? Not at the British Coffee-house.

Did he, at any place subsequent to your meeting with him at the Coffee-house in Southampton-row, in the course of that day? I do not think I have seen him more than three times since I have been in London, and he has been with his regiment at Croydon.

You did see him a second time that morning? At the British Coffee-house.

And upon the occasion of seeing him at that Coffee-house, or your going from that Coffee-house, did he not repeat this advice? I do not recollect that he did.

Do you not recollect stating to colonel Hamilton that you would follow his advice, but that he would be very angry with you, for that since he had seen you last you had destroyed that paper? Never such a conversation took place between us.

Neither at that time or any other? No.

You never stated to colonel Hamilton that you had destroyed that paper? No.

Did you tell colonel Hamilton that there was another paper that you had shewn to major Tonyn, when the promotion was gazetted? I had not another letter, I could not tell him that.

It does not follow that because you had not it, you could not tell him you had had it? I never had it.

Did you tell him you had had it? No.

You did not tell him you had had it, and given it to major Tonyn? No.

When did you see this paper last? I think it is about five or six days ago.

Where? In my own room.

Have you seen it since you were examined last? No.

Are you sure of that? Sure of it.

You stated, just now, you had seen it either the day before or the day after? That was the time I saw it.

Did any body else see it at that time? Not that I recollect.

Have you shewn it to any body else besides colonel Hamilton since you have been in town? No.

Where did you put it when you saw it last? Among some other papers which I had in my bureau.

You are quite confident you have not got it now? I have mislaid it somewhere.

Did you carry it about with you in your pocket at any time? Never.

Was it with you when you were in Spain? No.

How came it to be with you in the Coffee-house in Southampton-row, if you never carried it about with you? To shew colonel Hamilton.

Had you it with you when you were at the British Coffee-house? No.

Had you gone home between being at the Coffee-house in Southampton-row and coming to the British Coffee-house? Yes.

Where do you live? In Lyon's Inn.

You stated that Mrs. Clarke gave you the note in question? Yes.

(By Lord Temple.)

Did you read the note when she gave it to you? I believe I did.

Was it a sealed note or an open note? An open note.

You stated that you had not the note with you abroad; where did you lodge before you went abroad? At Lyon's Inn.

Did you leave your papers at Lyon's Inn? Certainly.

The note you say was not a sealed note; to whom was it directed? I do not recollect that it had any address.

You surely must recollect when you read the note; did you read it when Mrs. Clarke delivered it to you? It is so long ago I do not recollect; it is five years ago nearly, and I cannot charge my memory whether I read it or not.

(By Mr. Cavendish Bradshaw.)

Were you not to receive some pecuniary consideration from some person or other on the gazetting of major Tonyn? Not a farthing.

Why were you so anxious that major Tonyn should wait a few days in hopes of his being gazetted? To oblige Mrs. Clarke, who wanted the money exceedingly.

Were you confident that he would be gazetted in a few days from the influence of Mrs. Clarke? No; I doubted her influence very much then.

(By Mr. Whitbread.)

Can you, by any possibility, now produce the note? It is not about me.

Can you by any possibility, now produce the note? If I can possibly find it, I will produce it

Is it possible that you should find it? I have searched every where and I cannot find it.

Is it possible that you should find it? I should hope it is possible.

What is the ground of that hope? Having put it among other papers in my bureau.

Is it then in the bureau? That I do not know.

Has any body access to that bureau but yourself? Now and then my wife.

Do you know that that note is now in the possession of your wife or any other person? Not to the best of my knowledge.

Have you given that note into the possession of any body to be kept? No.

Have you given it into the possession of any person to be handed to another person to be kept? No.

Is it or is it not destroyed? Not, to the best of my knowledge.

Have you given it to any person to be destroyed? Never, to the best of my knowledge; I have not destroyed it.

Do you know that it is destroyed? I am pretty clear that it is not destroyed.

If you are pretty clear that it is not destoyed, where did you put it when you last it had? Among some papers in my bureau.

Have you the key of that bureau now about you? No, I believe my wife has it.

What makes you so clear that it is not destroyed? Because I never desired it should be destroyed.

When you say you never desired it should be destroyed, that answer has reference to some other person to whom that desire must have been expressed, if you have desired it; whom do you mean when you refer to some other person, to whom such desire must have been expressed? I know of no other person in the business.

Then what do you mean by saying you never desired it should be destroyed? I was asked if I had desired it should be destroyed, and I said no.

You were asked whether it was destroyed? And I said, not by my desire.

You neither destroyed it yourself, nor desired any other person to destroy it? No.

Then it is in existence? I should hope it is.

(By the Attorney General.)

You say that you put this paper into a bureau with other papers, when did you do that? I believe it was at the time, of course the last time I saw it, which might be five or six days ago.

How long was it before you were examined here before? I do not recollect.

In what room in your house is this bureau, in which you say you put it? It is in my sitting-room; I have but one sitting-room.

Have you searched that bureau for it since? I have looked for it, but could not find it.

Have you examined the papers in that bureau, to see whether it is among them? I have a variety of papers, it may be among them; I have searched, but could not find it.

Do you mean to say you have searched in that bureau for it? Yes.

(By Sir Samuel Romilly.)

You have said that you saw this paper six days ago, was that the same paper which was given to you by Mrs. Clarke? I think it was.

Are you sure that it was? I am very certain that it was.

Did you read it six days ago? No.

If you did not read it six days ago, how are you sure it was the same paper you received from Mrs. C.? It is a remarkable piece of paper, and I could not forget it.

What was there remarkable in the paper but the writing on it? Dirty.

You have said that you saw the paper six days ago, and that you looked for it two days ago, where did you look for it two days ago? Where I had supposed I had put it, in the bureau.

You said that you left it six days ago with other papers in a bureau; when you looked two days ago, were the other papers there? I think they are.

And this paper was the only one then missing? It appeared so to me.

Who had the key of your bureau, between this six days ago and the two days ago? Sometimes myself, sometimes my wife, sometimes it is left in the bureau.

Do you think that if a messenger was sent with you now to your rooms, you could find the papers? I really do not know.

What do you believe? I really cannot tell; I looked two or three times for it, and I could not find it two days ago; it is mislaid in some place or other.

What reason had you, in the beginning of your evidence this night, for saying you did not believe that such a paper had ever existed? It was a very unpleasant circumstance, and I would have wished to have forgotten it.

What circumstance do you mean was unpleasant? The whole of the business I thought unpleasant.

Why did you, having come to the bar of this house to disclose every thing else you knew upon the subject, think this circumstance particularly unpleasant? I did not think this circumstance particularly, but the whole of it, as I mentioned before, unpleasant.

When you shewed this note to col. Hamilton, and he took a copy of it, did you at that time read it? No, I did not.

When you first mentioned the note to col. Hamilton, how did you describe it? Speaking of the promotion of major Tonyn, I said there was a note in my possession that mentioned something about his promotion.

By whom did you state that note to have been written? I cannot take upon me to say.

Can you take upon yourself to say you did not state it to have been written by the D. of Y.? I never saw the D. of Y.'s hand-writing, and therefore I could not.

Can you take upon yourself to say you did not state it to have been written by the D. of Y.? I certainly could not.

Did you? No, I did not.

Did you state it to have been written in the name of the D. of Y.? No.

In whose name did you state it to have been written? I stated no name.

As you permitted col. Hamilton to take a copy of this note, did you yourself take a copy of it? No; having the original, there was no occasion.

Did you think this a note of any importance? No, I did not.

Was the copy col. Hamilton took of the note a correct copy? I do not know.

Did you read the copy which col. Hamilton took? No.

(By General Phipps.)

Was there any signature to the note? To the best of my recollection, none.

Did you know whose hand-writing it was? No.

Do you know Mrs. C.'s hand-writing? Sometimes.

Was it in her hand-writing? I really cannot take upon me to say.

Did you ever see her write? Repeatedly.

Does Mrs. C. write in different hand-writings, or always in her own? I have repeatedly had notes from Mrs. C., which have been written so differently, that I could not have supposed them to be the same person's writing.

(By Lord H. Petty.)

Have you, either before or after you communicated this note to col. Hamilton, had any conversation or communication with any person whatever respecting that note? Not to the best of my recollection.

(By Sir James Graham.)

Was any person present, six days ago, and two days ago, when you were searching for this note? No.

You are sure there was no person in the room at that time? No, except my wife, she might be in the room.

Had your wife and you any conversation upon this subject? Of course, a great deal, which we have every day.

Did she ever state to you that she had destroyed the note? Never.

Did she ever state to you that she had delivered it to any other person? Never.

Did you ever desire her to take it out of the bureau? Never.

(By Mr. Bathurst.)

How was the copy taken? Col. Hamilton copied it.

Was it compared with the original after it was copied? Not that I know of.

Where did you put it after it was copied? Into my pocket-book.

With other papers, or singly? Singly.

Did you go home from the coffee-house? Immediately.

How did you deposit it in the bureau? By putting it in the bureau.

Did you put it in a bundle with any other papers? Not that I recollect.

Endeavour to answer positively to questions within your own knowledge? I cannot recollect whether I did or not.

Have you searched all your bundles of papers as well as your loose papers? Generally speaking I think I have.

How can you undertake to say, it is not in your bureau, if you have not searched all your papers? I think I have searched all my papers.

When you met col. Hamilton at the British Coffee-house, you say you did not tell him it was destroyed? Certainly not.

Did you say any thing to him about the note? I had no conversation with him upon the subject.

Then you did not say to him, that "they had forgot the note?" No, "they forgot it."

Any such words as that? No.

What is it makes this particular circumstance of the note so unpleasant to you? It is no further unpleasant than my losing the note; if I could find it I should produce it with the greatest pleasure.

Did not you say, that the reason for your not admitting that you knew of this note, at the beginning of this examination, was, that it was an unpleasant circumstance that you wished to forget? The whole of the business I conceive to be unpleasant, and I was very sorry that I had any thing to do with it.

What is there particularly unpleasant in the circumstance of this note? My having lost it or mislaid it.

How can the circumstance of your having lost it, induce you to deny your ever having had it? From the reason that it was unpleasant throughout the whole.

What is the unpleasantness you conceive in confessing you have lost it, if it be true? I should be very sorry that I had lost it, and I hope I shall find it.

What is the unpleasantness you conceive in confessing you have lost it, if it be true? That is the unpleasant part, that I have lost it.

What is the unpleasant part? That I have lost it.

How can the circumstance of your having lost it, induce you to deny your ever having had it? From the reason that it was unpleasant throughout the whole.

Did you not deny, at the first part of your examination, that you had such a note? I conceived that I had not the note.

Were you asked whether you had not the note now, or whether such a note had ever been in existence? I was asked, in the first instance, whether the note was in existence, or whether a note was in existence, and I believe I doubted it; since which I have recollected it.

(A cry of Withdraw! withdraw! from all parts of the House). The Witness retired.

The *Speaker.* Mr. Wharton, upon the present occasion, I conceive the first proceeding is to move that captain Huxley Sandon has been guilty of gross prevarication in the testimony he has given this night at the bar. (Cries of move, move.)

Sir *S. Romilly.* I rise, Sir, not to object to the proposition of the right hon. gent. but, as I am anxious to put a question to the witness, I wish to ascertain whether it would be in order after the committee had adopted this resolution. (Cries of move, move!)

The *Speaker.* I beg leave to move that capt. Huxley Sandon has been guilty of gross prevarication in the evidence that he has given this night at the bar.

The question being put, was, amidst continued cries of aye, aye, carried nem. con.

The *Speaker.* I next move that the chairman do immediately report that Resolution to the house.

The house having resumed and having received the Report, the Chancellor of the Exchequer moved, That the said capt. Huxley Sandon should be taken into the custody of the Serjeant at Arms.—(Cries of Newgate! Newgate!).

The *Speaker* communicated to the house, that in such cases there were two distinct processes to be followed.

Lord *Folkestone.* As an amendment to the motion of the right hon. the Chancellor of the Exchequer, I move that the said witness be forthwith committed to the gaol of Newgate.

Mr. *Bathurst* wished to know, whether by not acceding to the amendment, the original motion was hazarded?

The *Speaker* stated, that there were three modes for the adoption of the house, namely, to commit the witness to the custody of the Serjeant at Arms, to deny any access to him, or to send him to Newgate.

The *Chancellor of the Exchequer* observed, that it was by no means his intention to limit his motion to the dry committal of the witness to the custody of the Serjeant at Arms. There were other objects to be considered, such as directing the Serjeant to convey the witness to his lodgings, in order to examine for this Note amongst his papers, and to have him near to the house, in case the committee should feel a wish to examine him on any point which may subsequently arise.

Lord *Folkestone,* on those grounds, withdrew his amendment.

Mr. *Sumner* recommended the expediency of seizing on all the Papers of the witness, and of taking the wife into instant custody, lest she should destroy the document which was sought.

The *Speaker* intimated, that although the precedents of the house empowered it to apprehend supposed delinquents, and to send its officers to make every examination conducive to the ends of justice, still it would consider seriously whether the present was a case to carry such a power into effect.

Earl *Temple* considered it a case where the house ought to appoint a Committee for the examination of all the papers of the witness. He believed there were precedents in the period of the South Sea House investigations.

The *Speaker.* Such a power was exercised in the reign of Charles 2, when a committee was deputed to examine the papers of Mr. Montague, at Whitehall.*

The *Chancellor of the Exchequer* thought, that the house should not in the present stage, direct that the wife of the witness should be taken into custody, although it might be expedient to have her summoned.

Mr. *Sumner* explained, that his object in recommending such a proceeding, arose out of the evidence of the witness himself, who stated, that his wife had access to the bureau in which this note was placed.

Earl *Temple,* conceiving it probable that other papers connected with the issue of this investigation were in the possession of the witness, thought it advisable in the house to depute two of its members, to select and examine all the papers at his lodgings.

Mr. *Bankes* considered the proposal of the Chancellor of the Exchequer, to send his Serjeant at Arms, or his proper officer, as the milder and equally an effectual course.

As the motion to that effect was about to be put, the Serjeant at Arms stated to the House that capt. Huxley Sandon would be glad to be again brought to the bar.

The *Chancellor of the Exchequer* believed the house would have but one opinion on this application, namely, that it was desirable to have the prisoner again brought to the bar, and he should not be at all surprised to find that he had brought the paper with him.

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* See Cobbett's Parliamentary History, vol. 4, p. 1053.

In a few minutes capt. Sandon appeared at the bar in custody.

The *Speaker.* What has capt. Huxley Sandon to state to this house?

Capt. *Sandon.* I most humbly hope that this hon. house will do me the honour of excusing my prevarication; and I beg to assure them it is not from a bad heart, but a confused head. I am exceedingly sorry I have done any thing to displease this honourable house. I come here to offer every thing in atonement I possibly can, and I hope the house will do me the honour to hear me.

Mr. *Speaker.* If the prisoner has more to offer to the house, this is his time.

Capt. *Sandon.* With regard to the evidence? Is it to the evidence I am to speak?

Mr. *Speaker.* You will offer to the house whatever you think becomes your case and situation.

Capt. *Sandon.* I beg pardon of the house for my prevarication, and I beg that the house will do me the honour to excuse my extraordinary behaviour; and will be assured, that all I have, and all I know now I certainly will relate. With regard to the Note in question, it is not destroyed; I have it in my possession at my chambers; if it is required I can go and fetch it; I think I can put my hands upon it: the note that you were speaking of was given me to shew major Tonyn, and to say that his promotion would not go on unless he paid the money. I took the note, and produced it to major Tonyn, with that message. I shewed him the note, with what I mentioned before, desiring him to wait three or four days. I believe he said what I related to this honourable house before, that he would, in consequence of this note which I shewed him. I brought back the note, and I have it now in my possession. He was gazetted, and the 500*l.* was paid to Mrs. C. and the 25*l.* to Mr. Donovan. If this honourable house would wish to see the note, I will go and fetch it. As to who wrote the note, I cannot take upon me to say: Mrs. C. told me it was written by the D. of Y.

Mr. *Speaker.* Does the prisoner desire to add more?

Capt. *Sandon.* I have nothing more to say relative to that; I only humbly hope the house will do me the honour of excusing me the prevarication I made use of.

[The prisoner was then taken from the bar; and the house determined that he should be sent in custody to his chambers to fetch the papers; and that he should be brought before the committee of the whole house whenever they should see fit. After some time the Committee was resumed.]

Mrs. MARY ANN CLARKE was called in and examined.

(By the Chancellor of the Exchequer.)

Do you recollect what passed between you and capt. Sandon in consequence of any application from major Tonyn, expressing his impatience at the length of time that elapsed before he procured his appointment? No; I really do not know, although I have been reading capt. Sandon's evidence just now in the room I have been in.

Do you mean the evidence he gave on a former day when he was examined? Yes.

In the 5th number of the minutes? I believe it is one of the last that has been printed.

You do not recollect capt. Sandon's coming to you at all upon the subject? I recollect that capt. Sandon was employed by major Tonyn; I am confident as to that.

Do you recollect capt. Sandon's at any time acquainting you with major Tonyn's impatience upon the subject? No, I do not, although I have been reading about it.

You do not remember any representation having been made to you by capt. Sandon, that major Tonyn intended to withdraw the deposit he had made, in consequence of delay? No, I do not recollect it; though he might have, perhaps, mentioned it.

Do you recollect having sent any message to major Tonyn by capt. Sandon? I cannot recollect that I did; perhaps it is likely, but it is a long while since.

Do you recollect having sent any paper to major Tonyn by capt. Sandon? What sort of paper.

Any paper? I could speak more positively if it was mentioned what sort of paper.

Any written paper? Of my own writing, or any other person's?

Any written paper? I do not recollect; I was always very cautious of giving any written paper out of my hands.

As far as you recollect, you have not sent any written paper to major Tonyn? I do not think I did, but I cannot speak positively.

As you were so cautious in putting any paper out of your hands, would you not have recollected that circumstance if it had occurred? If he meant to insinuate that there was any writing of the D. of Y.'s, I never did in my life to any one.

You are quite sure you never committed any paper to capt. Sandon, which you represented as the writing of the D. of Y.? I am quite certain, not to any one whatever, except lately, and once to Mr. Manners a few notes.

If you had sent such a paper by capt. Sandon to major Tonyn, is it possible that you could have forgotten it? No, I should not have forgotten any thing of that sort belonging to the D. of Y.

Are you acquainted with Mrs. Hovenden? I was.

(By Mr. Fremantle.)

Do you recollect at any time having received a note from the D. of Y. upon the subject of major Tonyn? No, I do not; there was no occasion for any notes to pass, because I was in the habit of seeing h. r. h. every day, except he was in the country, and that happened perhaps only for a week or ten days in one year.

Did you ever hear capt. Sandon say, that he had shewn a note to major Tonyn which purported to be a note of h. r. h. the Duke of York? No.

You are not aware of any note, purporting to be a note of the D. of Y., being shewn major Tonyn by capt. Sandon? No, I am quite clear nothing of the sort was ever mentioned to me before.

Do you mean to state, that you did not give any note to capt. Sandon which might appear to be a note of the Duke of York? No.

You stated that you sent some notes to Mr. Manners; do you mean to state that those were in the hand-writing of the D. of Y.? Certainly I do.

(By the Chancellor of the Exchequer).

Did you or did you not send any note to capt. Sandon? I never recollect sending him any note, but more especially any note of the D. of Y.'s, because I should have been afraid of entrusting it to him.

[The following questions and answers were read: "As you were so cautious in putting any paper out of your hands, would you not have recollected that circumstance if it had occurred? If he meant to insinuate that there was any writing of the D. of Y.'s, I never did in my life to any one.—You are quite sure you never committed any paper to capt. Sandon, which you represented as the writing of the D. of York? I am quite certain not to any one whatever, except lately, and once to Mr. Manners a few notes.]

How does it occur to you to think that capt. Sandon might have insinuated any such thing? Because I think he might have insinuated any thing; I think he is very equal to it.

If capt. Sandon has presented any note to major Tonyn, purporting to be a note written by the D. of Y., and given to him by you, is it true? I do not think it is, and I am almost sure it is not; perhaps he has written one himself.

During the negotiation with major Tonyn for the majority, was any representation made to you by capt. Sandon, that major Tonyn was tired of waiting, and threatened to withdraw the money he had deposited? I do not recollect it.

(By Mr. Alderman Combe.)

Did you ever express to capt. Sandon a wish on your part that major Tonyn would not be impatient, because you wanted the money which you were to receive upon his success? No, that would be the very reason I should wish him to be impatient.

In the last interview you had with capt. Sandon upon the subject of major Tonyn, did he write any thing in your presence? It is impossible for me to say, it is so long since.

Do you recollect capt. Sandon having read any thing to you in that interview? No, I do not.

Do you recollect a paper being produced before you by capt. Sandon at that interview? I do not.

(By Sir George Hill.)

Did you ever express, here or any where else, that major Tonyn was a shabby fellow, for his impatience in wishing to withdraw his note? No, I thought him a perfect gentleman when Mr. Donovan introduced him to me, and wished him to be made a lieutenant-colonel previous to his going to America; I fancy he is in America now.

(By Mr. Brand.)

Had capt. Sandon any and what interest in the success of this negotiation respecting major Tonyn? Yes, I believe he effected it with me; there was no promotion in the 48th regiment, the D. of Y. had stopped it, I think, for two years, and the captain was very eager to get out of it, on that account.

Was capt. Sandon to have any per centage or proportion of the profit arising from the success of the negotiation, and payment to be made upon major Tonyn's success in his application for promotion? I believe that he was, for I have understood from a great many persons, that major Tonyn was a very generous sort of man, and capt. Sandon would not have interested himself so much as he did for him without some reward.

Did you ever understand from capt. Sandon himself that he expected any such advantage? Yes, I did, and from every one that he mentioned to me.

Before you came to the bar of this house, had you any information of the substance of the examination of capt. Sandon before the Committee to-night? Not the least.

[The following Question and Answer were read. "As you were so cautious in putting any paper out of your hands, would you not have recollected that circumstance if it had occurred? If he meant to insinuate that there was any writing of the D. of Y.'s, I never did in my life to any one."]

Why did you suppose that the person proposing that question meant to refer to any writing of the D. of Y.? From what one of the gentlemen said to me.

Do you mean any question which has been put to you since you came to the bar? Certainly.

Which question? The questions from the Chancellor of the Exchequer.

Did you give capt. Sandon any part of the profit you were to receive from the promotion of major Tonyn? I do not recollect that I did; but he used to give himself, I believe, from col. French's money.

You did not give him any yourself? I do not recollect that I did.

You have said, that you understood from capt. Sandon, that he was to derive some profit from the promotion of major Tonyn; state what capt. Sandon said to you upon that subject. Only that my 500*l.* would be clear, and that where he had his from would be from the other party, what emolument he was to get by it.

Mr. REID being called in,

Mrs. *Clarke.*—Is there any precedent, may I ask, for having two witnesses at the bar of this house at one time? (Loud laughing.)

Chairman.—I apprehend the Committee will call to the bar what witnesses they please.

Mr. JOHN REID was called in, and examined.

(By the Chancellor of the Exchequer.)

Do you know the witness at the bar? Yes, I do.

Did she ever come to your house under the name of Mrs. Dowler? By no other name.

Is the witness at the bar the person whom you represented as having been frequently at your house with Mr. Dowler? Yes.

Mrs. *Clarke.*—Before Mr. Reid leaves the place, I beg leave to say, that I never said I was Mrs. Dowler; he might put what construction he thought proper upon it; it was very proper that he did, perhaps.

(By the Chancellor of the Exchequer.)

(To *Mr. Reid.*) Did she ever answer to the name of Mrs. Dowler in your presence? To my servants, I have no doubt that was her answer; upon all occasions whenever I spoke to her, I always, I suppose, said "Ma'am," but if I mentioned any name, it was Mrs. Dowler.

Did you ever hear her addressed as Mrs. Dowler in your presence? Yes, I have.

Did she answer to that address? Yes.

Did you ever hear her answer to the name of Clarke? I never heard her called by any other name but that of Mrs. Dowler? I never heard her called by the name of Clarke.

(By Mr. A. Baring.)

Did you believe her name to be Dowler? I had not a doubt of it.

And you believed her to be married to Mr. Dowler? I had not any doubt of that.

Did nothing ever occur to induce you to entertain a doubt of that? Never.

You always believed the witness at the bar to be Mrs. Dowler, and the wife of Mr. Dowler? Yes, I mentioned that before, and I mentioned a very particular circumstance, why I thought so.

(By Mr. C. Adams.)

Have you ever heard Mrs. C. say that her name was Dowler? I never heard her mention her name at all.

Would you not have been afraid of the credit of your house if you had called her by any other name? Good God! I should not have thought of any thing of the kind.

Did any letters ever come to Mrs. C. by any name whatsoever, while she was at your house? Not to my knowledge; they never came under my inspection, they came to the bar.

By whom did you ever hear her called Mrs. Dowler? By all those that spoke to her there; when they came to my house, if they asked for her at all, they asked for Mrs. Dowler.

Did Mr. Dowler ever call her Mrs. Dowler in your presence? Upon my word I could not take upon me to swear it, but I always understood it to be so, and I never had any doubt about it.

By whom did you understand it to be so? By Mr. Dowler himself calling her Mrs. Dowler.

Did Mr. Dowler and that lady always come there together? No.

(By Mr. Wardle.)

Did Mr. Dowler lodge there at any time? Yes.

And that lady came occasionally? Yes.

Mrs. *Clarke.* That was when the bailiffs were after me.

Were there many inquiries made at your house in the name of Mrs. Dowler? I seldom answer any inquiries at all, I leave my wife to do it; and, indeed, it is the business of the barmaid. [Mr. Reid was directed to withdraw.

Mrs. *Clarke.* May I speak a word; I merely wish to ask a question of some of the crown lawyers. (A laugh)

[The Chairman informed the witness that could not be permitted.]

(By General Loftus.)

(To Mrs. *Clarke.*) Do you know Mrs. Hovenden? Yes, I do.

Was it at the period of time when she was under the protection of Mr. Dowler, brother to the Mr. Dowler who has been examined at the bar? He has no brother.

Were you in the habits of visiting the Taylor family when they lived at Bayswater? Yes.

Do you know Mrs. Taylor very well? Yes.

Do you know Mr. Taylor? Yes.

Did you know there was a Mr. Taylor? Yes, Miss Taylor's father.

Did you ever see Mrs. Taylor write? No, I cannot say that I did.

You never have been in the habits of corresponding with her? No, only with Miss Taylor, and Mr. Dowler does not know Mrs. Hovenden.

Do you know a Mr. Chance, a stock-broker? No, I do not.

Do not you know that the Mr. Taylor you

speak of was Mr. Chance? No, I know he is not; I know he is Mr. Taylor.

Do you recollect a circumstance about two or three years ago, of the Miss Taylor who was examined at this bar, being about to be married to a Mr. Knowles? No, I do not; I know there was a young man paid his addresses to her, I believe a physician, but I do not know that there was any marriage intended; I fancied she had not liked him.

Do you not know that did not go on on account of her name not being Taylor? No, I do not, for I know her name is Taylor, and she has five brothers in his majesty's service, who bear the same name; three in the army, and two in the navy.

Do you know the age of Miss Taylor? No.

Do you suppose her more than five or six and twenty? I cannot tell any thing about her age.

Do you know that Mrs. Taylor is a widow, and not a married woman? No, I do not, because I know her husband.

Did you keep a man cook at the time you lived in Gloucester-place? Yes.

Did you keep more than one? The man generally used to bring his assistant with him; it is a regular thing that when you have a man cook, that an assistant comes with him.

You did not keep a man cook by the year? No, they staid a very short time with me, any one; his royal highness is very difficult.

[The Witness was directed to withdraw.]

Mr. *Beresford* then rose, and said, that he had been addressing the Committee at the time that the Chancellor of the Exchequer thought it necessary to introduce by a long statement the fact which had been disclosed to them this night. He should therefore return to the subject that he had been speaking of at that time. The noble lord (Folkestone) had, in a very unparliamentary way, imputed to him motives which he had no right to do. He had said that his object in putting some questions to the hon. gent. was merely a desire to spin out the time till other witnesses arrived. This was stating most unjustly (A loud cry of Order! Order!)

The *Chairman* considered that the hon. gent. was not in order.

Lord *Folkestone* thought the hon. gent. had completely misapprehended what he meant to state.

Mr. *Beresford* would not say more on that point, as he had appeared to the Committee to be out of order. But he would put a few questions to the hon. gent. who brought forward the charges.

G. L. WARDLE, esq. was then examined in his place.

(By Mr. Beresford.)

Have you placed upon the table of this Committee all the correspondence you have had with Mrs. C. relative to the accusations you have brought forward? No, certainly not.

Have you any objection so to do? Yes, most assuredly, I have a very great objection.

Have you any objection to lay upon the table all those letters which you took from Mrs. C.? Those letters are already all laid upon the table; I do assure the hon. gent., I do not know that I have a letter of Mrs. C.'s at this moment by me.

Had the hon. gent. had any conversation with Mrs. Sutherland on this subject?

Mr. *Wardle* begged that if the hon. member had any imputation to cast on his conduct he would state it; at present he did not understand the drift of these questions.

Mr. *Beresford* said, that he asked them in consequence of a note he had received from Mrs. Sutherland.

Mr. *Abercrombie* said, that if there was any thing in it that related to the enquiry, he ought to read it, and thus have a foundation for his questions.

Mr. *Beresford* said, there was nothing in it that at all referred to the inquiry. (A laugh.)

Lord *Folkestone* moved, that the question be not answered.—The question was expunged.

Mrs. ALICE CORRI was called in, and examined.

(By Sir James Hall.)

Are you married to Mr. Corri, the music-master? Yes.

How long have you been married? As near as I can recollect, five years next April.

Do you know Mrs. Clarke? Yes.

Do you recollect a conversation that passed between Mrs. C. and your husband, yourself being present, with regard to certain papers which Mrs. Clarke expressed great anxiety to have burnt? Very little.

Relate what passed upon that occasion, as far as you recollect. I recollect Mrs. C. telling Mr. Corri she was just going to him, that he came very apropos, for that there had been something satirically inserted in the news-papers, something relative to a female Clerk; I cannot recollect the whole of it, not thinking that I should be called here; and she begged if there were any letters, Mr. Corri would immediately burn them.

Were you employed in burning them? Yes, Mr. Corri gave them to me.

Did you actually destroy them all? Not then; I did not destroy any of them at the time; I laid them in a box, and never thought of them till just before this proceeding began:

I think last Saturday fortnight or three weeks, Mr. Anthony Corri, son of Mr. Corri, brought a newspaper to us, stating that his father would be called to the house of commons; it immediately then came to my mind, that I had those letters by me, and he advised me to burn them? and he said, I had better not say any thing either to his father or any body else, but to burn them; which I did two days afterwards.

What motive did Mrs. Clarke assign for wishing to have those letters destroyed? I really do not know; I cannot say; I do not recollect it.

Did she not express a fear with respect to the D. of Y.? I have something faint on my memory, but I could not say it positively; for the conversation was directed to Mr. Corri, and I overheard a word or two; I never thought of being called here, and therefore did not pay particular attention to it; I have a very faint idea, but cannot recollect exactly.

Did any thing pass as to the apprehension of the Duke's anger? I have some recollection, but I cannot positively say; it was something of the kind.

(*By Mr. Wardle.*)

Did you ever peruse the letters that were in your possession? I looked them slightly over before I burnt them.

Are you sufficiently acquainted with the contents of the letters to speak positively as to the subject? I cannot recollect one word that was in them, for I was in a very great hurry, and very much afraid lest Mr. Corri should know that I had disobeyed his command in not burning the letters sooner; and I burnt them as quick as possible.

[The witness was directed to withdraw.

Captain HUXLEY SANDON being brought in, in the custody of the Serjeant at Arms, was examined by the Committee, as follows:

Have you found the paper? I have.

Have you got it with you? The messenger has it, and every other paper that I had, that was connected with it.

GEORGE WHITTAM, esq. was examined.

(*By the Chancellor of the Exchequer.*)

Where did you find this paper? I found this letter in capt. Sandon's bureau; this is the letter, I understand, I was sent in search of particularly.

Have you any other paper? There were two other letters of Mrs. C.'s in the bureau, which captain Sandon put into my hands.

Any other letters any where else? Here is a bundle of letters of Mrs. C.'s principally; they were in this brown paper, and in capt. Sandon's bed-room; they were taken out of the paper, and I sealed them up.

[Mr. Whittam was directed to withdraw.

(To Capt. *Sandon.*) Look at that paper, and see whether it is the paper you shewed to major Tonyn? I think it is.

Is that the paper you received from Mrs. C.? Yes, it is.

You received it from her own hands? Yes, she gave it me.

Was any one present at the time? I believe not.

[The Note was read.]

"I have just received your Note, and Tonyn's
"business shall remain as it is——God
"bless you."

Addressed,—"George Farquhar, Esq."

Did not col. Hamilton give you the advice which he had given you before, either at the British Coffee-house, or in the street near the British Coffee-house, on your meeting on the Saturday? I do not recollect that he mentioned any thing in the street; in the Coffee-house he could not, for there were others in the same box; he said, will you come out, and we went out.

Did he not when you went out? We went out together.

In the street did he not say something to you upon the subject? I do not recollect it.

Did he not desire you not to destroy the papers, and did you not say that he would be very angry with you, for that you had destroyed it? Never to my recollection.

What are the other papers which you have given in? They are letters from Mrs. C. to me.

Are they on the subject of major Tonyn's business? Not precisely upon major Tonyn's business; upon the levy, and major Tonyn's business.

What is the reason you denied having possession of this letter? I can urge nothing upon my behalf; and I hope this honourable house will do me the favour to excuse it.

Were you directed by any person to do so? No.

What motive had you for so doing? I had no motive whatever; I am ashamed of myself for my conduct; I could have none.

(*By Mr. Simeon.*)

When you delivered that letter to major Tonyn, did you deliver it open or sealed? It was open.

(*By Mr. W. Smith.*)

You have stated that you considered this to be a paper of no importance; if you considered it to be a paper of no importance, assign any possible motive you could have for taking so much pains to conceal its existence? I can urge nothing.

You must perceive there is a great deal of difference between being able to urge an excuse, and being able to assign a reason; you are not desired to give an excuse, but to assign any probable reason, because it appears that some reason you must have had? I can urge no reason whatever for it.

Were not you conscious that you were telling a falsehood? I have already acknowledged that I am ashamed of what I have done.

Then do you expect the Committee to believe that you came hither and told a falsehood deliberately, which you knew to be such at the time, without having any motive for so doing? I had no motive whatever for doing so, but I again beg the house to do me the favour to excuse me for telling them that falsehood.

(By the Chancellor of the Exchequer.)

When Mrs. C. gave you that letter, did she tell you it was written by h. r. h. the D. of Y.? I do not exactly recollect whether she said it was written by him, but she said it came from him.

Do you know the hand-writing of the D. of Y.? I never saw it in my life, to my recollection.

Did Mrs. C. at any time express any anxiety to recover the letter she had intrusted to you? No, she never mentioned it, and I never heard any thing more about it.

Are you acquainted with the hand-writing of Mrs. C.? Yes.

Does it appear to you that the note in question is the hand-writing of Mrs. C.? No, it does not.

(By Sir W. W. Wynn.)

Have you had any communication with any other person on the subject of the production or non-production of that letter in this place? None.

Who is George Farquhar, esq. to whom the letter is directed? I really have no knowledge who he is.

You stated before, that Mrs. C. was used to write in different hands, do you now assert that? In the letters that are there you will find a vast variation in the hand.

Did you ever see Mrs. C. write? Repeatedly.

Should you know her hand-writing if you saw it? Yes, I think I should.

Do you, or do you not, know who wrote that letter? No, I really do not.

(By Mr. A. Baring.)

In the course of your long acquaintance with Mrs. C., and your communication with her upon business, did she ever, upon any other occasion, communicate to you a note from the D. of Y.? Never.

She never communicated a note from the D. of Y. on any business but this? Never.

Can you recollect what she said upon communicating this note: whether it was communicated with any caution to take care of it, or not to communicate it to others? No, I cannot recollect any thing of the circumstance.

Did Mrs. C., or any other person, ever desire you to destroy the letter in question? Never.

You have stated that you have seen Mrs. C. write different hands, did you ever see her write different hands? No.

Then what do you mean to say she writes in various hands? In the letters addressed to me, which are now before the house, there is a variety in the hands.

[The witness was taken from the bar.

Mrs. MARY ANN CLARKE was called in; and the Note delivered in by the last witness being shewn to her, she was examined.

(By the Chancellor of the Exchequer.)

Do you recollect ever seeing that paper before? I suppose I must have seen it before, for it is h. r. h.'s writing.

What reason have you to suppose you have seen it before? I do not know how it could have got into that man's possession, unless I gave it to him, and it was a direction I used very often to get from h. r. h., "George Farquhar, Esq."

Do you now recollect having given to capt. Sandon a letter upon this subject? No, I do not, nor do I recollect giving him that; but I think I must have given it to him, because it must have been in my possession first.

Do you always write the same kind of hand? I cannot exactly say how I write, I generally write in a great hurry.

[Two Bills being shewn to the witness.]—Those are the two bills for which capt. Thompson was arrested the other day.

Are they both your hand-writing? Yes, guiding my mother's hand; they were both before the court-martial.

Were they both, guiding your mother's hand? If you will read the minutes of the court-martial, you will see.

Were they both, guiding your mother's hand? Yes, I think they were.

Did your mother hold the pen and you guide her hand, when you wrote both those? It was the general way in which I had done with her, for these four years.

Did you in point of fact, on that occasion, guide your mother's hand when she held the pen? Yes, I did.

And in both of them? Yes, I believe I did; it has quite her sanction.

I do not ask whether you had the authority of your mother to draw these bills in your mother's name, but whether you can now recollect that your mother held the pen while you guided her hand in writing both those drafts? What would be the insinuation if she did not?

You must answer the question. Then I must answer to the best of my recollection: my mother was in the room at each time, and Mr. Manners; you think, perhaps, there is a difference in the hand-writing.

You must answer the question.—I am not quite positive, but I dare say I did, for I knew she was privy to both, and was in the room when both were done; but there was something irregular on the back about the indorsement; perhaps you wish to make it appear a forgery.

I do not aim at any such object, but wish to know whether you can take upon yourself to state that those bills were both written with your mother's hand, you guiding it? I am positive as to one.

Which? I cannot say which; if I had at all been terrified about the bills from any thing improper in them, I should have got them out of the way.

Do you write the same kind of hand when you are guiding your mother's hand as when you write your own? Very nearly, only that I do not write so quick when I am with her; I have done it five hundred times; she cannot write without a guide, not lately; it must be my own writing, because she has very little use of her hand, therefore it is my writing, and not her's.

Does not the fact of your having your mother's hand in your own, while guiding the pen, make a difference in the appearance of the letter? It is very likely that it may, I never attended to it; it has generally been something short where her hand was used, such as signing her name, or half a dozen words.

Look at these, and see if both are not written in that way with the same hand? I really cannot say; I do not see much difference between them; I should rather think this one was the one, if it was either; if I did write it alone, this dated July, that is the quickest writing, it seems as if it was done quicker than the other.

Do you mean to say you do not see much difference between the writing of those two notes? It does not strike me there is a great deal of difference; I have seen the notes before, and I believe made nearly the same observations; and if I was at all conscious of any thing improper in them, I certainly should have paid them before, for I dare say I have had it in my power.

Do you ever write different hands? No, I do not know that I do, I do not pay any attention to it; other people are the best judges.

Is the indorsement of the note that is indorsed, in your hand-writing? No, it was done the same; my mother was by, and I guided her hand.

That is guided too? Yes, it is upon the same bill, and Mr. Manners was by both times, and I believe he was not much better acquainted with the bill drawing up than ourselves, which made something incorrect here; nor was capt. Thompson, to whom he gave them as paymaster.

Have you ever imitated other hand-writing? No; You do not mean that I imitated the Duke of York's?

Have you ever imitated any hand-writing? No, not to make any use of it; I might, with two or three women, laughing, or any thing in that way, imitate a hand, but not to make any use of it whatever; not to send it out ever.

You have done it, to see whether you could do it? I do not know that I have done it, but it is very often, when women are writing, that they might say, come, you write a hand, and see whether it is like any one's hand; I have done it lately; several of us were sitting together, and we were playing at some kind of game; perhaps there might be some bad construction put upon that.

What have you done? I have said, 'is not this like such a sort of hand,' and 'that like such a sort of hand.'

What sort of hands were you imitating at that time, when you asked, 'whether it was like this sort of hand,' or 'that sort of hand?' I do not know; it is very ridiculous to mention here I think. There is a game you play at, you put down a man's name and then a woman's, and where they are, and what they are doing, and then make a long roll of it.

Is it a part of the game to imitate the hand-writing of the man whose name you put down? No, but it is very likely when you have written a man's name to say, 'it is very like the way in which he writes it himself;' or when speaking of a woman, 'it is very like the way in which she writes her's,' if they should be friends whom you name.

Is it any part of the skill in that game to write the name as nearly resembling the hand-writing of the person whose name it is as possipossible? No, I should think not; I wrote, without knowing it, something in the office here, that I was told was very like the writing of a person here.

Whose writing did they say it was like? They said it was like the Speaker's hand.

Is there any other person's hand-writing that you have resembled? It was accident, I never saw his writing.

Have you never told any body that you could imitate the hand-writing of any one? No, I do not recollect that I have: there was a story went about that I had forged for 2,000*l.* with the Duke of York's signature, "Frederick," but I never did, I never signed his name in my life, except when he has been there, and we have been trying together, how near I could write to him, and he to me.

You have tried sometimes to see how near you could write to the D. of Y.? Yes, but I never did it but when he was by.

Could you write very near when you tried? I do not know, he is the best judge of that; I believe if he was asked, he would not say I had ever made use of his name in any writing.

In point of fact, when you did attempt to write like him, did you succeed? I am sure I cannot tell.

You know his hand-writing? Yes, he fancied it was a great deal like his signed Frederick; that was all I ever attempted about it.

Do you know a person of the name of Town? Yes, I do, a velvet painter.

Did he ever instruct you in velvet painting? Yes, he did.

Do not you recollect having told him, that you thought you probably might make considerable proficiency in that art, as you made great proficiency in writing, and copying hand-writings? No, I never told him any such thing; you will recollect he is a Jew; it is ridiculous.

You are quite sure you never said any such thing? No, I should never have said such a thing to such a man.

Did you ever write in his presence? I do not know; he used to be with me a good deal in the morning, when I was learning the velvet painting, and it is very probable I might have been writing to many persons when he was there; besides he was to have got a loan for the D. of Y. from Jew King, but h. r. h. would not have any thing to do with him when he found they were Jews, when Town went to him, but I do not know that it was Jew King at the time; he told me it was a regular gentleman.

Did you ever, in a playing way, attempt to imitate the hand-writing of the D. of Y.? I do not think I did to him.

Not to Mr. Town? No.

Have you to any one else? I do not think I have, but he has seen a great many ladies, when he has been with me in a morning, and if he listened to any of our conversations, and made remarks upon it three or four years afterwards, I cannot say any thing to such a thing; the only question is, to ascertain whether I ever did make use of the D. of Y.'s name; if I had I am sure it would have been against me long before this; perhaps he might have stolen something that might have been lying about the house.

That Town might? Yes, he might very likely.

Some of this writing, perhaps? He might have taken papers away perhaps, and thought they might have been the D. of Y.'s; I believe he had a note of introduction from me to the Duke before he had seen those people about the money.

Did you, in his presence, ever imitate any other person's hand-writing but the Duke's? I do not know that I ever did at all in his presence.

But he may have been in the room when you did this with other ladies, and have overheard you? Perhaps he might; he has been there three or four hours of a morning.

He may have been in the room when you were with other ladies, and have overheard the conversation which passed between yourself and your visitors? Perhaps he might; I did not stick to the painting, and perhaps in the morning persons might call upon me.

[The Note being again shewn to the Witness.]

Look at the seal of that Note; do you know that seal? It is the D. of Y.'s private seal; I dare say I have many like it at home.

What is the inscription upon it? 'Never 'absent.'

Is the motto in French or English? In French.

Who is George Farquhar? There is no such person in existence, I believe; it was one of my brothers; I lost two in the navy, and that was one of them.

(By Mr. Brand.)

You do not recollect to have received that letter which you state to be in the hand-writing of the D. of Y.? No, but I must have received it, because it is addressed to me, and it is h. r. h.'s writing; I do not think he ever wrote to any other person under the name of George Farquhar but me.

Do you recollect having applied at any time to h. r. h., to suspend the promotion of major Tonyn? I do not recollect that I did, it is a long while ago; if it is meant that I wrote that note of h. r. h.'s, I dare say he will not deny it, if it is shewn to him; I have seals that will exactly match with it on other letters of his own.

Do you recollect any application to h. r. h. which could have given rise to an answer similar to that contained in the note which has been read? No, I do not recollect any thing about it.

You do not understand to what the contents of that Note allude? No, I do not: for I have quite forgotten it; I think capt. Sandon must have taken it out of the house without my permission.

(By Mr. Yorke.)

Did h. r. h. at any time leave that private seal in your possession? No; he has that and another that he used to use.

You said that you had several impressions of the same seal in your possession; are those impressions unbroken? No, certainly not.

Are you positive you have no impression of the Duke's seal unbroken in your possession? I do not know; I should rather think not; I was always inclined to read what he sent to me.

Are you positive that you have not any impression of the Duke's seal unbroken in your possession? Do you mean if I had torn the letter, and not broken the seal?

It is not necessary to break the seal to open the letter? I dare say I have many not broken, that you might very easily distinguish to be the same seal as that.

Did the Duke wear this seal to his watch? I do not know, I am sure. I believe not.

Is the reason you have for guiding your mother's hand when she writes, your mother's hand being so unsteady that she cannot write without somebody guiding her hand? Yes; she cannot hold her hand steady at all.

(By the Chancellor of the Exchequer.)

You believe that one of those bills was written by your mother holding the pen, and you guiding her hand? I guided altogether entirely; in fact, it is my own writing entirely whenever I make use of her hand.

The whole body of the bill as well as the signature? Yes; it is my writing more than my mother's.

She held the pen and you guided her hand? I do not know whether she held the pen, but I am in the habit of doing these sort of things, when I want my mother's name, but I never did any thing without her sanction at all.

That is not the question at all.—I do not know what you might insinuate; the bills have been already before the court martial, and I dare say they made as many observations as possible upon them, and if I had been at all alarmed I should not have allowed them to continue so long; but I believe this has nothing to do with the question before the house.

Do you wish this committee to understand that you wrote these bills or your mother? You may say I wrote them.

And her hand was not guided by you? If her hand is in mine, and I guide, I write it, and not her.

When you guide your mother's hand, your mother has the pen in her hand, has she not? Yes.

And you only move her hand and guide it? How do you know but what I move the pen; if she takes the pen up, I should take it down lower perhaps.

I do not know it, I wish to know it.—Then you shall see us write at any time.

Did you hold the pen or not? I forget; there are the bills, and I forget all about them.

Then you holding the pen, you wish the committee to understand that in so far you wrote both these? As you please.

[The Chairman directed the witness to answer the question.]

I have answered it; that is all difference of opinion.

Then you holding the pen, you wish the committee to understand, that in so far you wrote both these? I fancy I said I did not write them both.

Did you in point of fact write them both, or only one, and did your mother write the other? I tell you it is impossible for her to write.

To what do you ascribe the marked difference in the hand-writing of these two bills? They do not strike me as being very different, but I certainly cannot write so very quick when I am writing with my mother's hand as with my own.

Do you mean to say you do not see any difference in the hand-writing and signature of these two bills? No, if you were to see the difference in my letters; if you see a dozen of my letters, you will see them all different; you would see a difference in each.

If you guide your mother's hand, that hand being so unsteady, must there not be some unsteadiness in what is written under that guidance? No, it is entirely my own writing, although I guide her hand.

Then both these bills are entirely your handwriting? If you please to understand that, you may; but I had the use of my mother's hand, and they are my writing then.

You have stated the signature to the bill of the 20th of May, signed "E. Farquhar," was your mother's writing, under your guidance of her hand, and that that explains the difference in the hand to the signature of the two bills? I did not say it explained the difference in the writing.

You have stated that the indorsement of the bill which is indorsed was made by your mother, you guiding her hand? Yes.

Look at the bills again.—It is no use looking at them, I have looked at them before.

Look at them again; look at the signature of the bill of the 20th of May, and at the signature of the bill of the 15th July, and at the endorsement of that bill, and endeavour to state, if you can, whether they are all written by the same hand? They are all written by the same hand, because they are written by mine and by my mother's.

Can you give no other explanation of the difference in the appearance in that writing? No, I cannot.

(By Mr. Beresford.)

Did major Tonyn lodge in the hands of a third person 500 guineas, 500*l.* of which, after he was gazetted, went to yourself, and 25*l.* to Mr. Donovan? I did not state any such thing, for I did not know what Mr. Donovan had; I only stated what I had myself.

What had you yourself? What I said before.

Was that 500*l.*? Yes.

Was it not natural for you, as you knew you were to receive 500*l.* to hurry the gazetting of major Tonyn as much as you could? Not if there were any circumstances against it.

Did you not wish that major Tonyn should be gazetted, in order that you might get the 500*l.*? In the end I did.

If you had written any letters to the D. of Y. on the subject, with that wish in your mind, would it not have been a letter to urge the gazetting of major Tonyn? I do not recollect writing him any letter, nor do I recollect having any answer about it in writing.

If you had written to the D. of Y. upon the subject, would you not have been more likely to have written to hasten the gazetting of major Tonyn than to delay it? I do not know. [The witness was directed to withdraw.

The *Chancellor of the Exchequer* said, that notwithstanding capt. Sandon, by producing the paper in question, as well as others which might bear on the present subject of investigation, had certainly made some atonement, which might be the subject of future consideration with the committee; yet he could not think, in a case of such flagrant prevarication as he had been guilty of, he should be allowed to escape without a severe notice of his crime in the first instance. He would therefore move, "That for the gross prevarication of which he had been guilty, capt. Huxley Sandon should be committed to Newgate," which was ordered accordingly.—The right hon. gent. then proceeded to state, that it would be impossible to close the Inquiry in that sitting, because he would wish to bring proof, such as could be relied on, as to that Letter being or not being the handwriting of the D. of Y. and that could not be done till to-morrow. When he opened the case of the suppression of evidence, it was under an impression that the Letter was destroyed, and he could not therefore think it necessary to summon col. Gordon, who was the person most likely to prove the D. of Y.'s hand in the most satisfactory manner. He was also of opinion, that the committee could not with propriety, during the present sitting, take into their consideration the papers found in capt. Sandon's bureau, some of which he owned bore upon the Inquiry now before them. He would propose, therefore, that a Select Committee, similar to that which was formed the other night, should now be appointed to inspect those Papers, and report to the house such of them as in their opinion bore upon the present Investigation. That Committee might sit this morning, and make their report in the evening to the committee of the whole house, who would immediately go into the consideration of it.—He moved, therefore, that a Select Committee be appointed to inspect the said papers, and to report to the committee of the whole house, whether any part of them were relevant to the matter of this Inquiry.—Ordered.

Adjourned at half past three o'clock on Friday morning.

REPORT.

The Select Committee, appointed to inspect certain Letters, which have been delivered in to the Committee of the whole House, appointed to investigate the Conduct of His Royal Highness the Duke of York, the Commander in Chief, with regard to Promotions, Exchanges, and Appointments to Commissions in the Army, and Staff of the Army, and in raising Levies for the Army; and to report to the House such of them, or such parts of them, as may be relevant to the matters referred to the consideration of the said Committee of the whole House—have agreed to report as follows:

Your Committee have inspected the several Letters referred to them by the house; and are of opinion, that all the said Letters may be relevant to the matters in question.

The said Letters are as follow:

"11, Holles-street, Cavendish-square,
1. "July 2d, 1808.

"Sir; Perhaps you may have forgotten there "was such a person in existence as the writer? "I have been in the country for a year and a "half, and I am but just returned from it, to "remain in town; and I should feel myself "particularly obliged if you will favour me with "your friend col. French's address, or his agent "in the inn, in Holborn, which has slipped my "memory—Pray forgive the trouble, and be"lieve me your most obedient,

"Mary Ann Clarke.

"Captain Sandon, Royal Waggon Drivers."

2. JL

"14 Bedford-place, Russell-square, July 23.

"Dear Sir; On Saturday I was favoured "with your answer, but as I have removed from "Holles-street to this place, to save you the "trouble of calling there, these lines are ad"dressed you. I am now with my mother, and "I fear for the whole of the summer. I did "not want any thing of French but to ask a "question. I am, dear sir, your obliged, &c.

"Mary Ann Clarke."

"Captain Sandon, Royal Waggon Train."

Two-penny post unpaid Tottenham C. R.

3. "Mrs. Clarke will be glad of a call from "captain Sandon, if he is returned to town, to"day or to morrow.

"Gloucester-place, Friday,

"Colonel Sandon, Bridge-street, Westminster."

4. "I am thoroughly convinced of the mo"ney being too trifling, and I have mentioned "it to a person who knows the full value of "those things, so you may tell Bacon and "Spedding they must give each of them more "*two hundred*, and the captains must give me "fifty each more. I am now offered eleven "hundred for an old officer. M. A. C.

"I must have an answer this evening to this, "as I am to speak with him on it. I have men"tioned as your being concerned for me. I go "to the Little Theatre this evening.

"1804. Colonel Sandon."

5. "Will you, my good sir, drop me a line "Monday morning, saying if you have been "able to influence any person who is with Pitt, "to attend the house on Monday to give his "*vote*.

"I have this morning received the inclosed "from Corri, and where he marks under he al"ludes to your business, and as I know he is a "story-teller, I send you his letter. I am, sir, "&c. M. A. Clarke.

"Col. Sandon, No. 15, Bridge-
"street, Westminster Bridge.
"Pitt's Motion, &c. Corri——complaint."

6.

"Dear Sir; He will do it—so let the propo"sals be sent in by when he gets to town, which "will be as soon as you get this, for one thou"sand at first.—The duke of Cambridge has al"already four thousand. You have not any "occasion to be very particular as to their being "Protestants, for I don't think it of any conse"quence to him!!! I think you had better at"tend him on Tuesday, to ask his opinion of "the papers sent in on *Saturday*, as I told him "I had seen the proposals, which you intended

" to alter and leave that evening.—Pray when you go put on a *nice pair* of boots, and let it be about half past 3.—Adieu—burn this.

" *Mrs. Clarke's Letter,*
" *relative to German Levy.*"

7. " Can you give me a call to-day, about one or two, or about five? I wish to see you much. Tell Spedding to write in for what he wants, as the D. says that is much the best. Can you get half a dozen or so that wants interest? I want money, which is more imperious, this is what I want to see you upon, so you had better see Gilpin first.

" What is become of Bacon?

" Colonel Sandon.

" Interest and money."

8.

" Dear Sir; Pray do something for me as soon as possible; the Duke told me this morning that you must get on faster with your men, he has written to town for that purpose. You had better send me the exact number of all you have sent, and I will shew it him.

" Colonel Sandon.

" *He complains of the slowness of*
" *Recruiting the Levy.*"

9. " I send this by a servant to Hampton, hoping you will get it sooner.

" Thursday morning.

" Dear Sir; The Duke has neither seen general Tonyn nor his son—his son he does not know, and it is six months since he saw the general. He has ordered him to be gazetted, and is fearful it will be done ere he can stop it—he will be at the office to-morrow, and if not too late will stop it. He assured me it was entirely owing to me that he thought to do the best by putting him where two others
Aslett and Bligh
majors have left ∧ and he would of course be two steps higher.

" I hope to see you to-morrow, when you will be able to give me the answer from Tonyn; shall be in town about 5.

" The king and all the family are coming to visit the Duke, being his birth day!!! Full of compliment, you see.

" 12 o'clock, 17th August, 1804.

" Colonel Sandon, No. 15, Bridge-street,
" Westminster Bridge, London.

" 12 o'clock Two Penny
" August 17, 1804. POST
Noon. Twickenham.

10. " Mrs. Clarke's compliments await col. Sandon, thinks it best for him not to come to her box this evening, as Greenwood goes with both the dukes this evening, and of course will watch where your eyes direct *now* and *then*; and should he see and know col. S——, may make some remark by saying or talking of the *Levy* business, and it may be hurtful to his and Mrs. C.'s future interest.

" 9th Oct. 1804. *See Richard Cœur de Lion.*

" Col. Sandon, No. 8, Lyon's Inn."

11.

" Dear Sir; Capt'n Tonyn cannot be made this month as I expected; the D. tells me it will be at least three weeks, he having so much to do in reviewing; and there are some other promotions *now* to take place—*however the thing is done.*

" The little boy will be attended to. On Monday I shall go to Vauxhall with a party, when perhaps I shall have the pleasure of seeing you; it is the only night this summer I shall have the opportunity, as on that night he is obliged to attend the house of lords, as they expect a great fight on Pitt's Motion.—I shall at some time take an opportunity of mentioning your majority. I asked *him what he thought of you?* A d—— clever fellow—*You are to have the bounty that Pitt is to give to the line,* so that every thing goes on well.—I told him I should see you at Vauxhall on Monday.—I am now at the end of my paper, so shall say adieu. M. A. C.

" He says gen. Tonyn is a stupid old fellow.

" *Relative to the majority and advance of bounty.*

" Colonel Sandon, No. 15, Bridge-street,
" Westminster Bridge.
Weybridge, Friday noon.

12. " *burn this.*

" Dear Sir; I have mentioned the majority to the D—, he is very agreeable to it—it is the nephew of the gen'l; his son purchased a company last week—Do you think it at all possible to oblige me on Monday with *one hundred,* I shall be in town Sunday. If I had had the pleasure of seeing you at the races, I intended to have pointed you out to the D—. If you are in town, you will have the goodness to send a line in answer. It will oblige much your most obedt. M. A. C.

" Colonel Sandon, No. 15, Bridge-street,
" Westminster Bridge, London."

4
C *Majority,*
JUN 9 ESHER *June 8th,* 1804.
1804. 16.

" Thursday.

13. " I'll tell you, colonel French, you can materially serve me, by giving me a bill for two hundred, for two months or ten weeks.

" I shall at all times be happy to serve you in any way. I like capt. Sandon extremely, I suppose he is the managing person?

" Drop me a line in answer. " M. A. C.

" *1st Letter from Mrs. Clarke.*"

14. " Mrs. Clarke's compliments attend on colonel Sandon, will be glad to see him to-morrow from eleven till one.

" Thursday, Feb. 28."

" Colonel Sandon, No. 8, Lyon's Inn,
" Wych Street."

Two Penny 2.
POST
Coventry St.

15.

" My Dear Sir; I am vexed to death, you

" well know the state of my finances, and I hit
" upon Spedding for Tuesday, when, behold,
" the regt. he is in, did their exercise so bad
" that the Duke swore at them very much, and
" has stopped the promotion of every one in it!
" He said so much to the col. (Wemyss, I think)
" that if he had been a gentleman he would
" have given up—but he intends looking over
" the memorial to-day, as S. has not been long
" in that reg. and he is an old officer. So that
" you see if he gets his promotion, how very
" much he ought to be indebted to my good
" offices. I must beg hard for him, the Duke
" is very angry with you; for when he last saw
" you, you promised him 300 foreigners, and
" you have not produced one.—O, yes, master
" Sandon is a pretty fellow to *depend on*. I
" wish I had hit upon Eustace first. I told you,
" I believe, that they must be done gradually,
" his clerks are so cunning. Get Spedding to
" write out a list of his services, and send it to
" me as a private thing to shew him, not ad-
" dressed to any one.—Adieu."

16.
" Dear Sir; I asked this morning if he had
" *himself* read those papers I gave him of the
" col.'s, he said that he had; but that he still
" asked so much more than other men, that he
" could not think of closing with him: How-
" ever let him send again, as perhaps he for-
" gets his papers in his hurry, especially as he
" had those at home.
" I cannot do myself the pleasure of being
[*torn*]

17.
" Dear Sir; I shall esteem it a favour if you
" will make *immediate* inquiry about a lieute-
" nancy, (I understand there are two to be dis-
" posed of in the 14th Lt. Dragoons) as Charles
" Thompson is determined to quit his next
" week, and I wish for his own sake that he
" goes direct to the other, as the Duke might
" be displeased with any one being idle at this
" critical moment. If you are in the way I
" shall expect a line—just to say if you think
" it possible for him to purchase so soon.—
" H. r. h. goes out of town to Chelmsford
" Saturday, and returns to town to his office
" 3 o'clock Tuesday. " M. A. C.
" Colonel Sandon,
" No. 15, Westminster Bridge,
" Bridge-street, Westminster."

18.
" Dear Sir; Major Taylor has proposed to
" do something in the Irish levies for his Lt.
" Colonelcy, but it will not be effected; the
" friend of our's says he will let him purchase,
" altho' he is so young a major, but this you
" know is nothing to us; so do you see him,
" and if you enter upon the same terms as
" before, I think I shall be able to teize him
" out of it: let me know the result of it
" soon as possible.
" Do you think it at all possible for you and
" French to let me draw a bill on you for 200*l*.
" I am so dreadfully distressed I know not
" which way to turn myself, and before that
" will be due you are aware of what is to be
" done for me in that negociation. Thank
" you for the Pig, it was the most delicate
" thing of the kind possible. Adieu.
" Dear Sir, I am, &c. &c. &c."
" Wednesday, Jan. 30."

19.
" Dear Sir; As I leave town on Monday
" evening, and running short of Cash, will you
" be kind enough to send me by Monday the
" Hundred Pounds. " M. A. C.
" Colonel Sandon."

20.
" Dear Sir; Most unfortunately lord Bridge-
" water has asked for the vacancy 'ere in-
" deed it was one, so that that is done [*torn*]
" ; but h. r. h. will let me know if he can
" at 4 o'ck.—He does not go out of town, as
" intended, to-morrow, on account of his
" majesty having been insulted yesterday, and
" still fears it.—I have a bill due either Sa-
" turday or Monday, I know not which day;
" can you get me the five hundred guineas—
" he has been signed, and will be in the gazette
" to-morrow; you know who I mean.
" Instead of a 60 guinea harp let it be 100,
" as I have told him you was going to present
" me one, therefore it must be very elegant.
" Tell Zimmenees he shall have [*torn*] he
" wishes for 700 guineas *not* [*torn.*] he
" shall have it in a month.
" Don't fail burning my scribble soon as
" read.
" I do not go out of town to-morrow.
" Colonel Sandon,
" No. 15, Bridge-street, Westminster:
" or, Duke-street, Adelphi, No. 9, Office."

21. " Thursday.
" Dear Sir; I am extremely sorry to inform
" you (for the poor boy's sake) but it is im-
" possible to admit him, as he has that mis-
" fortune you mentioned of being *one-eyed*.
" Do you think it possible to get me a vote on
" Monday for Pitt's motion? It will if carried
" be of some consequence to us hereafter, try
" all you can. I remain, dear Sir, your's, &c.
" Colonel Sandon, " M. A. Clarke."
" Bridge-street, No. 15, Westminster Bridge.
" Send me an answer."

22. " What you ask will be at your ser-
" vice, and the letter will be at your office
" Monday morning.
" Colonel Sandon."

23. " Mrs. Clarke will be glad to see capt.
" Sandon to-morrow, before twelve o'clock, if
" he is in town; if not, Monday at five.—
" Friday.
" Colonel Sandon,
" No. 15, Bridge-street, Westminster Bridge."
1 o'Clock 2
6. JY. TWO Py POST
1804. N. T. Unpaid.

24.
" Dear Sir; There is not any such thing in

"contemplation as the written question. Will you again ask about an India Lieutenancy? as the Duke assures me there are two for sale. In consequence of what I mentioned to him of Kenner, he has made many enquiries, and finds him to be a black sheep; he offered to bribe col. Gordon a few days since!! "M. A. C."

"Colonel Sandon." 48*th Antedate.*

25.

"Dear Sir; Ere I leave town I scratch a few lines, begging you to be on your guard in evrey point; but of *my name* in particular, for the future never breathe it.—I am confident you have a number of enemies, for yesterday the —— was assailed from seven or eight different persons with invective against you.—He is a a little angry at something; yet will not tell it me—I think this fellow Kenner tries his friends—they laid fine complaints against you—did you tell Zemminees that as soon as Tonyn was gazetted you would get him done? in the same way, and that I was the person? Let me see you on Tuesday.

"Adieu, I am interrupted."

26.

"My dear Sir; Be so good as to look at the Gazette to-morrow evng. as I rather expect some of the names to be inserted. I have others which I assure you upon my honour. The present for my trouble for the majority is seven hundred guineas, so if you have any more this must be the sum—I shall be in town on Monday, if you will have any thing to communicate. I remain,

"Dear Sir, yours, &c. &c. M. A. C."

"Friday evng.

"Colonel Sandon,

"No. 8, Lyons Inn, Whych-street, Strand."

7 o'clock Two-Penny
28 Sp. POST.
1804 Nt.

22d
27. 8th

"Dear Sir; I made a mistake, it is the 22d regiment Mr. Thompson is to purchase into, or the 8th. Shall I see you to-day?

"M. A. C."

"What is Thompson to say to his colonel?

"*Charles Farquhar Thompson*, 13 to 8 or 22d.

"Colonel Sandon, 15, Bridge-street, Westminster."

28. "I gave the papers to h. r. h.; he read them while with me; said he still thought men high; but that an answer would be left at his office as the way of business.

"I told him if any was appointed, to give the col. the preference. Burn this soon as read.—I do not comprehend exactly what you mean by five other things; I do not think it possible.

29. "Can you send me one hundred pounds to-day? And let me see you to-morrow morning.

"Colonel Sandon." "M. A. C."

30. Friday.

"Dear Sir; Will you go to the Horse Guards for me to-day, and leave a proper letter as coming from Charles Thompson, asking for leave of absence for a fortnight; but if his services should be wanted he would join immediately: if you know any belonging to the adjutants, you could get it by to-morrow.

"Colonel Sandon." "M. A. C."

31. "I have a letter which says you are a money-lender, in colleague with a notorious man, called Dell!! I wish to shew it you.

"I hope you will attend the Duke to-day, as Clinton leaves him on Thursday, and he has all the writings for you in hand: he will not leave his office till six.—

"I shall be glad of a hundred guineas, if possible, this week. Saturday week Tonyn will be gazetted. How comes on French? Call to-morrow, if possible.

"Colonel Sandon, 15, Bridge-street, Westminster."

32. "As your servant has called, and fearing you may not have my letter—beg you to see the Duke to day at all events, or else things will be longer about, as colonel Gordon takes Clinton's place on Thursday."

33.

"Dear Sir; Pray what can Speddings mean, by asking on Thursday, through general Tonyn, for leave to go upon half pay? 'Tis odd behaviour, and you must think that *some* one thinks me used very ill;—of course till this is fully explained, I shall drop all thoughts of any thing else.

"Saturday. "I remain your's

"Colonel Sandon." "M. A. C."

34.

"Sir; I am exactly treated as I have been led to believe, from more than one quarter, but will thank you to send me colonel French's address to-day, before the post goes out.—I have nothing to do with your agent, you know.

"I remain, Sir, your most obedient,

"M. A. C."

35. "As colonel Sandon did not call according to promise, Mrs. C. hopes he will have the goodness to send her a bill at two months, in the morning;—surely all things will be settled before that becomes due. Mrs. C. hopes he will not disappoint.

"Monday,

"Colonel Sandon, Lyon's-inn, Whych-street."

36.

"Sir; you have disappointed me dreadfully, a bill of one hundred at three months is useless, it must be for two hundred at three
for one hundred
months, or one at six weeks or two months.

"I beg you to return it by the bearer, as I mentioned my situation to you.—Word it thus:——I promise to pay *six weeks or two months* after date, to Mr. Thompson, or order,

“ the sum of one hundred pounds for value re-
“ ceived.
“ Pray let me have it this evening at all
“ events. “ M. A. C.”

37. “ Mrs. Clarke’s compliments attend
“ captain Sandon, will feel herself much ob-
“ liged if he will do his best for Thompson in
“ the recruiting business, as on his getting the
“ men early will give him first rank.
“ Mrs. C. has not been able to get an answer
“ from h. r. h. about Taylor.
“ Dec. 26.
“ Colonel Sandon, No, 8, Lyon’s-inn, Whych-
“ street.”
2 Two Py. Dec. 26th, 1804. 7 o’Clock
POST Dec. 26, 1804. 26 Dec.
Blandford. J. S. 1804. N n.

38. “ Mrs. C. must again intreat the assist-
“ ance of colonel S———. He well knows she
“ has always done as he has wished her to do.
“ Colonel Sandon, No. 8, Lyon’s-inn, Whych-
“ street.”

39. “ I am told an answer is left out for
“ colonel French, at the office, and that he now
“ has dropped three guineas per man.—
“ I am not aware of what the answer is in-
“ tended to convey.
“ Mr. Corri [*torn.*] k will.

40. “ I hope you will not disappoint me, as
“ on you alone depends my hopes of taking up
“ a bill over due.
“ Colonel Sandon.”

41. “ 2, Westbourne-place, Sloan-square,
“ December 2d.
“ Dear Sir; Let me know where you are,
“ and I have not the least doubt but I can
“ serve you essentially, and remain as ever
“ your friend. Mary Anne Clarke.”
“ Captain Sandon, Waggon-Train, Spain.
“ By Messrs. Greenwood & Co. Lyon-inn,
Strand, London.”
2d Dec. 1808. Portsmouth, Jan. 29, 1809.
G. Jan. 30, 1809.

HOUSE OF LORDS.

Friday, February 17.

[America—Orders in Council.] The order of the day for summoning their lordships having been read,

Lord *Grenville* rose and spoke as follows: It will be in the recollection of your lordships, that I gave notice towards the latter end of last session of a motion grounded upon the Evidence which had then recently been taken at the bar, to address his majesty to rescind the Orders in Council. I was induced to withdraw that notice in consequence of some favourable reports which I then heard as grateful to my feelings, as, if realised, they would have proved beneficial to the best interests of the country, viz., of there being a probability of an adjustment of the differences between this country and the United States of America. Those reports I have unfortunately found to be erroneous; and I now feel it to be my duty to bring forward a motion upon this most important subject. It is now of no consequence, whether the Orders in Council were the cause, or one of the causes, of the American Embargo. That question is now set at rest; a proposition having been made in August last to this government on the part of the United States, to suspend the Embargo with respect to this country, if we would rescind our Orders in Council; it is clear therefore, whatever might have been the case before, that since last August the continuance of our Orders in Council is the sole cause of the continuance of the American Embargo, inasmuch as that would be removed if they were rescinded. And, if I could be induced to imagine these Orders in Council to have been, previous to last August, consistent with the principles of justice, the rights of nations, or sound policy, still, my lords, the question has, since that period, assumed a different shape, and we must consider the question as it relates generally to our policy towards the United States. From the year 1783 to the commencement of the last war, the line of policy pursued by this country towards America, was conciliation; that was the system adopted by the administration of the late Mr. Pitt, and it was continued on the commencement of that war, when it became still more the policy of this country to conciliate America. Accordingly, in the year 1794 a Treaty of Commerce was concluded with the United States, which although said by some persons in this country to be too favourable to America, and by some persons in America to be too favourable to this country, was, I believe, an impartial treaty, giving to neither party too great an advantage over the other. The amity and the friendship between the two countries continued till the termination of that treaty. Some differences subsequently arose, and two years ago, when I was called to his majesty’s councils, I conceived it to be my duty immediately to set about atchieving, if possible, that important object, the adjustment of our differences with America. It was highly satisfactory to me, that the details of this negociation devolved into abler hands than mine, and a treaty was concluded. No sooner was it known that a treaty had been concluded, and before its provision could be known, than every engine was set to work by persons in this country, who were determined to leave no means untried to provoke hostility with America, and the most gross misrepresentations were made of the object and provisions of the treaty. I waited with impatience until the treaty could be published; it was at length sent back from America and published, and then it was seen how grossly untrue these misrepresentations had been; it was then discovered, that whilst every provision had been made fairly to conciliate America, the greatest care had been taken to maintain the maritime rights and maritime superiority of this country, and that in this respect we had been more provident than the noble earl opposite, his majesty's Secretary of State, had been, in a communication made by him to the government of the United States, in which he laid down in some sort a basis for a new Treaty. Upon this head we had decidedly the advantage in the treaty we concluded; having done away the effect of the unwise proposition made by the noble earl. By that time the noble lords opposite, and their colleagues, had been called to his majesty's councils, and they determined on pursuing a line of conduct totally different from the system we had thought it our duty to adopt. With reference to Ireland, to the Northern Powers, to America, every part of their system was totally different. I am glad it was so—I do not mean to say that I am glad to see such a system pursued, but seeing what their policy is, I am glad that it is totally different to what ours was. After their ill-advised and unjust expedition to Copenhagen, America was the only neutral power that could be looked to, and one would have thought that his majesty's government would have gladly sought to conciliate America, seeing that nearly all Europe was combined against us, and shut against our trade; and that America opened to us a market capable of taking nearly all our commerce, and with the probability, that with the increasing prosperity and population of this branch of the parent state, the market would be in no very long period so extended, that we should scarcely be able, with all our means, to supply it. His majesty's ministers, unfortunately, pursued a different line of conduct: America covered the ocean with her ships, and his majesty's ministers determined on sweeping them from it. They therefore issued their Orders in Council to compel the vessels of an independent state to pay duties to the British Government, for leave to carry on their trade. It was natural, that the people of the United States should be jealous of such an extraordinary attack upon their independence; it was natural that that jealousy should be the greater, from the circumstance of their independence having been so recently acknowledged by this country. This attempt to levy duties upon the ships and merchandize of the United States, bears a close analogy to the attempt made forty years ago, to levy taxes in America, which caused the revolution that ultimately severed those colonies from the parent state. I hope, my lords, the system now pursued will not plunge the two countries into hostilities, so fatal to their best interests; but, unfortunately, there appears a determination in the part of his majesty's government, to do every thing, that can tend to force on that very hostility, which is so much to be deprecated. What have they attempted to do by these Orders in Council but to deprive the people of the United States in reality of their independence, by forcing them to bring all their productions to this country, to pay duty, and thus to reduce them again in effect to the situation of colonies of this country. It is well known that there is a vulgar notion in America, that it is the object of the British Government to destroy their independence, and to reduce them again to the situation of colonies. It cannot be supposed for a moment that any enlightened statesman, or even any man of common sense in this country, can be desirous that the United States should again become the colonial possessions of this country. It is a well-known and notorious fact, that the commerce, the wealth, and the prosperity of this country have been greatly increased in consequence of the revolution by which the colonies, now forming the United States, were separated from this country, and it is impossible that any man of common sense can wish that they should be again brought back to the situation of colonies. What, however, is the effect of the Orders in Council? They were clothed in a number of words which even those who framed them scarcely understood; which were very difficult to be understood by others. But what has been their effect, for to their practical effect we must look in considering the extent and relations of these measures? America, in the present state of the world, is the only country upon which they could operate; and with respect to America, their effect is to produce a colonial monopoly of all the merchandize of the United States, which is to be brought to this country to pay duty before it can be conveyed to any part of the world. How, then, must such a measure operate upon the minds of the people of America, jealous of their newly acquired independence, and still more jealous of this country, from the notion which I before stated to prevail amongst them; how much must such a measure tend to alienate their minds from this country? We were told in high sounding language when these measures were before parliament, of the sums, which would be raised by the duties levied upon neutral commerce, of rendering the commerce of the enemy tributary to this country, and of making the enemy himself contribute largely to the expences of the war, and to relieve the pressure and the burdens of the people of this country. What, my lords, has been the revenue actually raised from this source, the productiveness of which was so pompously announced? It appears by a statement of the produce of the duties levied under the Orders in Council Acts, up to the 5th of January, that they have produced the enormous sum of Thirty-one thousand pounds! Thirty-one thousand pounds, my lords, to relieve the pressure and burdens of the people, and to contribute largely to the expences of the war; and this sum levied upon vessels brought by force into our ports. (A cry of No, no! from the other side of the house!) It has been, however, partly levied upon vessels brought by force into our ports, and partly upon those coming in voluntarily. In looking at such a sum thus produced, it may well be asked, as it was with respect to the Tax on Tea, forty years ago, in America, what price do we pay for this paltry revenue? and yet the Tea Duty would have produced mints and millions, compared with the produce of the Duties, levied under that unjust and impolitic measure, the Orders in Council. When I contemplate such a paltry issue derived from this measure, so much boasted of, for the benefit which it was to confer upon the country, I cannot impute to his majesty's ministers so much ignorance as to suppose they had any other motive in carrying into effect the Orders in Council than to force America into hostility. I do not wish to have this expression considered as uttered in the warmth of argument, for I do firmly believe, that it is the object of his majesty's ministers to do every thing in their power to force America into hostility with this country. It is incumbent upon me, my lords, to declare my retractation of an opinion which I had taken up in consequence of an erroneous impression from an expression used in the President's Message to Congress, and which I was at first induced to believe displayed a greater partiality to France than to this country, in offering to the former power to become a party in the war against this country. I had no further information upon the subject.—Ministers ought to have been informed upon it, and yet the noble earl, his majesty's Secretary of State, argued, that this partiality to France was actually evinced; that this difference in the overtures made to the two countries actually took place, although it is now perfectly clear that there was no difference, that there was no greater partiality to France, than to this country, and that the propositions made to the two countries, were not merely in effect, but were verbatim the same. An attentive consideration, even of the expression in the Message of the President, which has been so much misrepresented, will clearly prove that the difference stated to exist between the propositions made to the two countries, was not stated by him to exist. The expression in the Message, to which I allude, is this: "The instructions to our ministers, with respect to the different belligerents, were necessarily modified with a reference to their different circumstances, and to the condition annexed by law to the executive power of suspension, requiring a degree of security to our commerce, which would not result from a repeal of the Decrees of France. Instead of a pledge, therefore, for a suspension of the Embargo as to her, in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands, by one belligerent, and a refusal by the other, in the relations between this other and the United States." —It must be clearly evident that the repeal of the French Decrees, would not give the necessary security to the commerce of America, and therefore it was not thought necessary to offer to the

French government the repeal of the Embargo in return; but it was offered to France, that if she would repeal her Decrees, and we refused to rescind our Orders in Council, that America would then be at war with this country; but it was offered to us, not merely that if we repealed our Orders in Council, and France refused to rescind her Decrees, America would be at war with France, but that the Embargo should be suspended with respect to this country. Thus the greater advantage was offered to us, instead of any partiality being shewn to France. That this was explained to his majesty's ministers, and must have been understood by them, appears clearly from the papers on the table. In a letter from Mr. Pinkney to Mr. Secretary Canning, dated the 23d of August, 1808, will be found the following passage. "If, as I propose, your Orders should be rescinded as to the United States, and our Embargo rescinded as to Great Britain, the effect of these concurrent acts will be, that the commercial intercourse of the two countries will be immediately resumed; while, if France should adhere to maxims and conduct, derogatory to the neutral rights of the United States, the Embargo continuing as to her, will take the place of your Orders, and lead with an efficacy not merely equal to theirs, but probably much greater, to all the consequences that ought to result from them. On the other hand, if France should concur in respecting those rights, and commerce should thus regain its fair immunities, and the law of nations its just dominion, all the alleged purposes of the British Orders will have been at once fulfilled. If I forbear to pursue these ideas through all the illustrations of which they are susceptible, it is because the personal conferences to which I have before alluded, as well as the obvious nature of the ideas themselves, render it unnecessary."—In these personal conferences, there can be no doubt that the propositions made by America were fully explained, and by the subsequent Note from Mr. Secretary Canning to Mr. Pinkney, dated the 23d of Sept. it must appear evident that his majesty's ministers were convinced that no such partiality, as alledged, had been shewn by the United States to France. There is another Letter from Mr. Secretary Canning, published in an American paper, but which is not amongst the Correspondence on the table, in which it still more clearly appears that ministers were fully aware of the real nature of the propositions made by America to France. The nature of the propositions made to France, is distinctly proved by a reference to the Instructions given to general Armstrong, the American minister at Paris, the material words of which will be found to be verbatim the same with the instructions to Mr. Pinkney here, with respect to the change that would be made in the relations with either power refusing to repeal its Decrees or Orders, the other power consenting to rescind them. It is therefore perfectly clear that no partiality was evinced towards France; and it is also evident, that his Majesty's ministers must have known that such was the fact. I cannot help, however, whilst upon this correspondence, remarking upon the monstrous principle assumed in the note of Mr. Secretary Canning, to which I before alluded, in which he states, that the Orders in Council were founded: "on the unquestionable right of his majesty to retort upon the enemy the evils of his own injustice, and upon the consideration that, if third parties incidentally suffered by these retaliatory measures, they were to seek their redress from the power by whose original aggression that retaliation was occasioned." Is it because the enemy has been guilty of gross injustice, that therefore we are to commit injustice? Are we to imitate the enemy in his crimes, and commit the same enormities because he has committed them? Upon this principle we might, because he has unjustly invaded the territory of an ally; send a king of our own choosing to Sweden or to Sicily, and force them to accept of him. The principle here assumed does not hint at the acquiescence of a neutral, but claims at once the general and sweeping right of retaliating upon the enemy his own injustice, whether neutrals acquiesced in it or not. I cannot also help remarking upon the chain of irony and sarcasm adopted in this note, a style new to diplomatic correspondence, and which is wholly unsuited to the subject. It is well known, I believe, that the passage alluding to the inconvenience which must be occasioned in America by the Embargo, produced, when read in Congress, an universal sentiment of indignation. It is absolutely essential that independent states, however one may be inferior to the other in power, should negociate on the footing of equality. And how, I ask, would it be received here, if the government of the United States, in any official correspondence with this country, should allude for instance, to the supposed effect of any measure adopted by this government upon the manufacturers of Lancashire.—My lords, the only ground upon which the Orders in Council have been defended in this house, has been the acquiescence of America in the Decrees of France. It is now clearly proved, that if America ever did acquiesce in these Decrees, she no longer does so. It is now clearly ascertained, that America has offered you to suspend her Embargo, if you rescind your Orders in Council, and to go to war with France, if France then refuses to repeal those parts of her Decrees which affect the neutral rights of America. Here, then, is a clear proposition, which takes away the only ground, upon which the Orders in Council stood, upon which they were defended by noble lords on the other side. This only ground being taken away, it of course clearly and obviously follows, that the Orders in Council ought to be rescinded. If, however, we are to judge from the Note to which I last alluded, the experiment is to be tried, whether we can exist without the commerce of America, with all Europe combined against us, and thus the vital interests of the country are to be wantonly hazarded. I have heard of a man who was desperately wounded, but there being several wagers laid as to whether he could recover from his wound, no surgical assistance was allowed to be given him, in order that the experiment might be tried, at the hazard of his life, whether he could recover or not. So, it seems as if ministers wished to try a similar experiment with the country, and that because France has said that we cannot exist with Europe shut against us, and without the commerce of America, that therefore the experiment is to be tried, and the very vital interests of the country put to hazard. The noble earl (Bathurst) has this night moved for some Returns respecting our North American colonies. It does seem most extraordinary that at such a critical moment, the force in these colonies should have been sent to atchieve a distant object, with no probability of success, which has since failed, and which, if it had succeeded, would have been of no consequence, would have been merely the acquisition of another sugar island, an object which at the present moment can surely be deemed of no importance. I hope that force has since returned to its former station.—My lords, it is my duty to impress upon your attention, however painful the task, some of the melancholy consequences of these Orders in Council. The diminution of our commerce from the operation of this measure is an evil of alarming magnitude. It appears by the documents on the table that the exports, which in the year ending the 10th of October, 1807, amounted to 48,500,000*l.*, amounted in the year ending the 10th of October, 1808, to only 42,300,000*l.* a diminution of 6,200,000*l.*; the diminution of imports in the same period amounts to 5,200,000*l.* In this statement, also, it should be recollected that Ireland and Scotland, a great part of whose trade was with America, are not included; giving them therefore, a proportionate share, the diminution of our commerce may be fairly estimated at 14,000,000*l.* It should also be recollected, that this diminution has taken place in a year during four months of which the Orders in Council did not operate, these Orders not having been issued till November, and not being in full operation till January. In the article of wool, the staple commodity of the country, and in a number of other articles, an alarming diminution has taken place, and also in the importation of raw materials, essential to our manufacture. A number of cotton mills have in consequence been stopped, and the workmen thrown out of employ. The great importance of the linen manufacture of Ireland is well known, and the difficulty in procuring flax-seed is at present a serious evil; of 45 hogsheads required for sowing, 35 must be procured from America. In consequence of the interruption of the trade with America the price of flax-seed, which was from 2*l.* to 3*l.* per quarter, has risen to from 22*l.* to 24*l.* per quarter. It is now February, and if the necessary quantity of flax-seed is not procured before May, the consequences will, indeed, be serious. Another evil, my lords, of serious magnitude, is the deficient supply of corn; it is well known that we do not grow enough for our own consumption, and that as the ports in the north of Europe are now shut against us, we can only look to America for an adequate supply, and I need not point out to your lordships the distressing consequences which must result from the want of such a supply. I wish, however, to be distinctly understood upon one point, with respect to the maritime rights and the maritime superiority of the country. The evils which I have enumerated must necessarily accumulate, with the continuance of the Orders in Council, but whatever may be the increase of those evils, I wish distinctly to be understood to be of opinion, that, if the maritime rights, and the maritime superiority of the country are really in question, then war in support of them will become a just and legitimate war, and every privation ought to be submitted to in such a cause; but the war which his majesty's ministers appear determined to wage with America would be an unjust and unnecessary war, a war without ground or pretence. Upon their own ground of colonial monopoly they ought to rescind the Orders in Council, upon the proposition of America; as then, by the very terms of that proposition, they would have, in effect, a colonial monopoly, and America would be at war with France. By rescinding the Orders in Council, as proposed by America, they will secure, in effect, all the advantages which they proposed to themselves, as the result of the operation of those Orders, with the great additional advantage of conciliating America, and securing her friendship. It is deeply to be lamented, that this proposition on the part of America was not acceded to in August last when made: it is of great importance, in my opinion, that that proposition should be now acceded to. The Orders in Council, unjust in their principle, are now proved to be most injurious, in their effect, to the interests of this country, whilst the pretence, on which they were founded, is now completely taken away; it being proved to demonstration, that America does not acquiesce in the infringement of her neutral rights by the Decrees of France.—His Lordship concluded with moving,

"That an humble Address be presented to his majesty, humbly to represent to his majesty, that in consequence of certain Decrees, made by his majesty's enemies, contrary to the usages of war, and the rights of neutral nations; and also in consequence of the alledged acquiescence of neutral nations in the said Decrees, his majesty was advised to issue certain Orders in Council respecting the trade of neutrals to and from the ports and countries of his majesty's enemies: and that the said Orders were further enforced by certain acts passed in the last session of Parliament: but that both in the said Orders and in the Acts passed thereon, a power was reserved to his majesty of annulling the same, whenever such revocation should appear expedient.—That the Congress of the United States of America, alarmed at the dangers to which neutral commerce was exposed, by the said Decrees, and by the system then known to be in the contemplation of his majesty's government, and actually carried into effect by the said Orders in Council, passed laws for laying an immediate Embargo on all American vessels and exports.—And that by the operation of such laws, all trade of export, from the said States into this kingdom or its dependencies, has been prohibited, and the commercial intercourse of his majesty's subjects with the said States has been, in other respects, essentially impeded.—That in the month of August last, the minister of the United States, resident at this court, made to his majesty's government an authorised and explicit offer of re-establishing the said intercourse, proposing, that if his majesty's Orders in Council should be repealed, as far as regarded the United States, the Embargo imposed in the said States should be removed, as far as regarded his majesty's dominions; and adding, that if his majesty's enemies should not rescind their Decrees, the said Embargo should be continued as with respect to them.—That this offer on the part of the United States appears to us just in principle, and in its tendency highly advantageous to the essential interests of this country. Just, in as much as it removed all pretence of the acquiescence of the United States in the French Decrees; which acquiescence was the only ground on which any right could accrue to his majesty to interrupt the innocent commerce of a neutral power; and advantageous to Great Britain, inasmuch as if it should not have produced the repeal of the French Decrees (the avowed purpose of his majesty's Orders), it must have secured to this country the exclusive commerce of America, and the alliance against a power which has become the common enemy of both.—That we believe and hope that it is still open to his majesty to renew them on the basis of this proposal, the commercial intercourse between this country and the United States; every interruption of which we consider as manifestly injurious to the interest of both, and particularly calculated, in the present crisis, to assist the designs of our enemies, and to weaken our own resources.—That we, therefore, most humbly pray his majesty to adopt, without delay, such measures as may best tend to the immediate re-establishment of the commercial intercourse between his majesty's dominions and the United States of America, and to bring, by temperate and conciliatory negociation, all other points of difference to a just and amicable conclusion.—Assuring his majesty of our firm and invariable support, in maintaining, against every unjust aggression, and every novel claim, the ancient and essential maritime rights of his majesty's crown."

Earl *Bathurst*, in delivering his sentiments upon the motion which had been submitted to their lordships, did not mean to follow his noble friend through all the topics which he had introduced into his speech; but proposed to confine himself to that head of discussion to which their attention had been principally directed, namely, the Orders in Council. Upon the origin of the American War, which had not escaped his noble friend's animadversion, he would refer them to some family notes upon that event, which were, he presumed, in his possession. The main object of his noble friend's motion was to address his majesty to renew the negociation with the American government, for the purpose of adjusting the existing differences between the two countries. That it was perfectly within the competence of their lordships to resort to such a measure, he was ready to admit, at the same time, that he considered it to be a right in the exercise of which much caution was required. Indeed, such in his mind was the delicacy of interfering with the executive government in matters of negociation, that he thought it generally a preferable mode of proceeding, when their conduct failed of giving satisfaction, at once to address his majesty to dismiss the ministers composing it from his councils. The greater part of the noble lord's speech was, indeed, an attack upon ministers, and of their conduct as connected in particular with the Orders in Council he disapproved on three grounds: 1st, He was of opinion that they were originally unjust and impolitic: 2dly, That their consequences were such as ought long ago to have led to their repeal; and 3dly, That the proposition made by America to this country in August last, ought to have been accepted. The noble earl attempted a refutation of lord Grenville's arguments upon each of these separate heads. The justice and policy of the Orders, he endeavoured to shew from the violence of the enemy's aggressions, the necessity we were under of resisting them, and the efficacy of this restrictive measure, in retorting the effects of the enemy's violence upon himself. He denied, that the object of the Orders in Council was, as his noble friend had stated, to improve our own revenue. All that was proposed by them was to distress the enemy; and this object had been completely attained, as was manifest from the accounts received from those countries which were unfortunately subject to his dominion. He was ready to allow, that our own trade had not been quite so prosperous in the last as in former years, at the same time that he could not admit the comparison instituted by his noble friend, in the two years of 1807, and 1808, as fair, much less would he admit that the apparent diminution was altogether to be imputed to the Orders in Council. The noble lord had forgotten that in 1807 the ports of Russia, of Denmark, and of Sweden were open to us, whereas throughout the whole course of 1808, the ports both of Russia and Denmark had been shut against us. This change alone had produced a considerable effect upon the general state of our trade. But even the defalcation in our commerce with America, was not, as the noble lord had argued, attributable to our Orders in Council; on the contrary, it was wholly attributable either to the American Embargo, or the American Non-Importation Act. The noble earl contended, that the Embargo was not the effect of the British Orders in Council; and this he endeavoured to prove, as well from the language held in the American official documents, as from a comparison of dates. Nothing could be more conclusive evidence upon this subject, than the fact of the Embargo having been imposed three days before the Orders in Council were issued. Indeed so far was the diminution of Exports to be ascribed either to the Embargo or the Orders in Council, that our Exports had previously undergone a diminution of four millions sterling in consequence of the Non-Importation Act, which had been passed long before either of the other two measures was resorted to. And here he particularly requested their lordships to bear in mind, that, when the propositions of August last were made by the American government, there was no hope whatever held out of this act being repealed, even though these propositions had been accepted. He did not wish to disguise from himself or to conceal from their lordships, the inconveniencies felt by this country in consequence of the suspension of intercourse with America, particularly on the score of Imports, though these inconveniencies had been greatly exaggerated in the speech of the noble lord. His noble friend had urged (he knew not upon what authority), that ministers had only the other day become aware of the difficulties with which we were beset, and with which we were likely soon to be overwhelmed. He could assure his noble friend, however, that, in as far as Ireland was likely to be affected by them, government had long ago turned its attention to them. The high price of flax seed was found, on inquiry, to arise in a great degree, from monopoly, and for the purpose of disappointing the speculations of interested individuals, they had applied what, in such cases, was found to be the most effectual remedy by encouraging competition. They had ordered purchases to be made in different parts of the continent: and though he could not at present say what quantity had been bought up, he had no doubt that supplies to a considerable extent would soon arrive. An order had also been sent out to Lower Canada, though from the freezing of the river St. Lawrence, the cargoes were not likely to arrive till the month of May or June. He took this opportunity of correcting a very erroneous notion, which some persons entertained, that the soil of Ireland was not properly calculated for raising flax-seed, and he was happy to state, that large tracts of ground in that country were now preparing for this species of cultivation, and that there was every prospect of a sufficient quantity of flax-seed being soon grown in that country, not only for its own supply, but also for the supply of Great Britain; so that, though the inconvenience might be felt for a time, it was very far from being one which, as his noble friend had stated, was likely to be a growing evil.—The noble Earl proceeded to advert to the alledged embarrassments felt by our West India Islands in consequence of the suspension of intercourse with America, and contended, that so far were they from suffering to the degree that had been stated, they were every day becoming more and more sensible of their independence of that country. As a proof of this, he stated the Assembly of Jamaica having recently passed an act, imposing a tax upon the importation of fish into that Island from the United States, and laying a duty of a dollar a ton upon every American vessel which entered their harbours. The fact was, that the British fisheries in North America were amply sufficient to supply the Islands with that necessary article of provisions, and that the commerce between our colonies in that part of the world was in a state of rapid encrease. For example, in 1807, only 120 vessels had cleared out from the British American colonies to the West Indies, whereas, in only three quarters of the year 1808, no less than 259 had cleared out for the same destination. And in the same three quarters of 1808, 40,123 loads of timber had been sent thither from the same quarter, whereas in the same course of the proceeding year there had been only 16,269 loads.—The noble earl next endeavoured to repel the charge brought by lord Grenville against ministers for having rejected the propositions made by the American government in August last, and which his lordship had termed fair, just and liberal. Their lordships he argued, in judging of this proposition, had only to consider, whether it was made in such a shape as could be accepted, and ought entirely to lay aside those explanations, which were afterwards given of it. The circumstances were shortly these. France, by her decrees, had declared Great Britain in a state of blockade. Great Britain retaliated by declaring France in a state of blockade. America, which was an accidental sufferer from these measures, interferes, and proposes that we should retract our act of retaliations leaving the enemy to persist with impunity in his aggression; and because his majesty's ministers refused to accede to this proposition, their refusal was now brought forward as matter of accusation against them, and by whom?—those very ministers, who issued the Order of the 7th of January, and who had themselves declared, that this Order should not be repealed till the French Decrees, which had provoked it, were annulled. In making this declaration, they had gone farther than their successors, for, said the noble Earl, we never have made such a declaration, we did not say to America that we would not recal our Orders in Council, excepting France repealed her Decrees, though we are quite aware of the inconveniences which would result from so doing. The American Embargo was therefore neither the cause nor the consequence of our Orders in Council, and consequently we see no reason why the repeal of the one ought to be connected with the removal of the other. It has been asserted, that the embargo was an act of resistance on the part of the American government to the unjust Decrees of the enemy. But this act of resistance, if it was one, was directed as well against the party aggrieved as against the aggressor, and having resorted to a measure of equal hostility to both parties, the American government had turned round to ask satisfaction from the party aggrieved, the effect of which, if granted, would have been to relieve the enemy both from the pressure of the Embargo, and from the pressure of the Orders in Council, and to relieve us merely from the pressure of the embargo, without an assurance being given that the Non-Importation act would be repealed. From the charge brought against ministers by the noble lord, of being actuated by a hostile disposition towards America, he felt it to be quite unnecessary to vindicate either himself or his colleagues. It was not the interest, and it could not be the wish of the British government to involve this country in a war with America; but ministers on the other hand were bound not to surrender the rights, nor to compromise the honour of the nation, with whose character and interests they were intrusted. On these grounds the noble Earl felt it to be his duty to oppose the Address which had been moved by his noble friend.

Viscount *Sidmouth* said, that, notwithstanding the reasons assigned by the noble earl (Bathurst) who spoke last, for the issue of the Orders in Council of November 1807, he had always supposed the chief cause of that measure to have been a conviction on the part of His Majesty's Ministers, that the danger arising from the power and influence of France was only to be counteracted by means similar to those which had produced it. Against this doctrine, particularly as applied to our conduct towards neutral States, he should ever protest; being fully convinced, that a strict observance, without encroachment or concession, of the true and established principles of public law, of which the maritime code formed a material part, was not only due to our national character, but far better calculated to secure our commercial interests and maintain our maritime power.—Of the principles to which he had adverted, those which bore upon the present subject, were, 1st, That neutrals have a right to carry on, during war, their accustomed trade, without any other molestation or obstacle, than such as arises from search and blockade. 2dly, That this right of neutrals is sacred and inviolable, and cannot be forfeited, but by their own wrong. 3dly, That neutrals have not a right to carry on during war a trade which they have never possessed, and which they hold by no title of use or habit, during peace.—Lord S. said, that his chief objections to the Orders in Council of the month of Nov. 1807 were, that they violated the first and second of these principles, and compromised the last. He mentioned the Orders in Council of Nov. 1807 only, because notwithstanding all that had been said by the noble Earl and others, he denied that those Orders were merely " an extension in operation, and not in principle, of the Orders of the 7th of January 1807;" and that the present Ministers had therefore done no more than follow the line marked out by their predecessors. The Order of the 7th of January was, in its principle, an application of the rule to which he had adverted, to the coasting trade of France and her dependencies, which, though neutrals had no concern in it during peace, they had been encouraged by our enemies to carry on under the assumed protection of their flag during war. Such was the principle of that Order; but if in the means of enforcing it there was any actual infringement on the *rights* of neutrals, in that degree and proportion the Order itself ought to be modified, and its operation restrained. According to this view of the Order he contended that the right to issue it did not at all depend upon the Berlin Decree of Nov. 1806; and though it might have been denominated a retaliation against France, it was a retaliation against France without injustice to neutrals.—Lord S. then proceeded to state what ought to have been the conduct of his majesty's present government in consequence of the Berlin Decree, which he described as the extravagant ebullition of a mind inflamed by resentment and intoxicated by victory. Instead of making that Decree the measure of our conduct, not merely towards France, as we were fully justified in doing, but also towards third parties not engaged in our quarrel, it appeared to him, that it would have been far wiser, with a view to our own interests, and obviously more just, for Ministers to have given neutral States to understand that the intimation conveyed in the letter from Lords Holland and Auckland of the 31st of Dec. 1806, to the American Commissioners, would be strictly observed; that *our* conduct would depend upon *their own;* that we should respect their rights, whilst they refrained from lending themselves to the violence and injustice of our enemy; but that, in the language of the concluding paragraph, "If the enemy should carry his threats into execution, and neutral nations should, contrary to all expectations, acquiesce in such usurpation, his majesty might probably be compelled, however reluctantly, to retaliate in his own just defence, and to issue orders to his cruizers to adopt towards neutrals any hostile system, to which those neutrals shall have submitted from his enemies." He also thought that the American Government should have been explicitly told, that, as they had rejected the proposed Treaty of Commerce between the two countries, the same terms would not be renewed; that the increased and increasing dominion and influence of France on the Continent, which it was her declared and main object to make use of for the purpose of interdicting British commerce, and of thus circumscribing the sources of our opulence and naval power, rendered it incumbent upon his majesty to retaliate upon the sources of the wealth and naval power of his enemy; and that this could not be so effectually done as by the application of his maritime superiority to the exercise of his unquestionable right of preventing any intercourse whatever between neutral nations and the colonies of his enemies during war. What, however, had been our conduct? Ministers had asserted the acquiescence of neutrals, but had totally failed in their attempts to prove it; and having so failed, they abandoned and violated the principle they had distinctly recognised in the preamble to the Orders, wherein the acquiescence of neutrals is described as the basis of that measure. We had therefore invaded the indisputable rights of neutral States, and improvidently surrendered our own. Those branches of their trade which we ought, in justice, to have spared, we had in effect prohibited; and those which we ought to have prohibited, we had taken credit for having spared: he said, in effect prohibited, because it was impossible that America could have submitted to such a combination of indignity and injustice.—With respect to those injurious branches of American commerce, which have been too long permitted to exist, and which, instead of being prohibited, had been sanctioned by the Orders in Council, he quoted Mr. Erskine's letter to Mr. Maddison, of the 23d of Feb. 1808; (p. 244) "It will not escape you, that by this Order in Council thus modified and regulated, the direct intercourse of the United States with the colonies of the enemy is unrestrained; an indulgence, which, when it is considered to be (as it really is) not only a mitigation of that principle of just reprisal upon which the order itself is framed, but *a deviation* in favour of the United States, from *that ancient and established principle of maritime law,* by which the intercourse with the colonies of the enemy in time of war is limited to the extent which that enemy was accustomed in time of peace to prescribe for it, and which, by reference to the conduct of France in time of peace, would amount to a complete interdiction, cannot fail to afford to the American government a proof of the amicable disposition of his majesty towards the United States.—You will observe, also that the transportation of the colonial produce of the enemy from the United States to Europe, instead of being altogether prohibited (which would have been the natural retaliation for the rigorous and universal prohibition of British produce and manufactures by France), is freely permitted to the ports of Great Britain, with the power of re-exporting it to any part of Europe under certain regulations."—It appeared, therefore, that Mr. Erskine had been instructed to take credit for the continued relaxation of an unquestionable and most important right, which instead of compromising, Lord S. contended, the British Government ought to have re-asserted, and enforced.—On the subject of the Regulations to which Mr. Erskine had adverted, Lord S. remarked, that they were not consistent with the policy of these Orders, which was, to inflict the inconveniences of *privation* upon the enemy, and to subject him to all the evils with which he had threatened this country. But, so far from adhering to this principle, Ministers had determined to take the chance of exchanging, in most instances, the advantages of total privation for those which might arise from an increase of charge to the enemy upon the cargoes of neutral vessels forced into our ports for the purpose of being permitted to depart upon no other condition but that of becoming tributary to our own revenue, which was thus to be augmented by an unjust and insulting exaction levied upon the trade of neutral and independent States: and this system is described by the term of *mitigated retaliation!* The produce of those duties was, it appeared 32,000*l.*, equal to about one-third of the sum annually raised by licences to wear hair-powder; and even that sum, he understood was levied upon articles which had been exported from America, previous to the Embargo, and consequently previous to intelligence having been received of the Orders in Council, the actual issue of which, he acknowledged, appeared to him not to have been known in America till after the Embargo had taken place.—As a financial project, therefore, the measure had failed, and yet it was in the form of a Money Bill only that it had been brought last year before Parliament.—In what other respect had it succeeded? A noble Friend of his (the Earl of Liverpool) had formerly said, that he thought it of all measures the most likely to bring the enemy to reason. Had his noble Friend's expectation been realized? Had he, during the last six months, seen any symptoms of returning reason on the part of France? At the close of the last session, the Lords Commissioners expressed in his majesty's name a persuasion "That in the result the enemy will be convinced of the impolicy of persevering in a system which retorts upon himself, in so much greater proportion, those evils which he endeavours to inflict upon this country." Is that period arrived, and have we real grounds for believing that such has been the effect of our Orders, or that our own conduct has tended to produce it?—In fact, the consequences which might have resulted from a system of just and salutary rigour, had, in a great degree, been precluded hy our licenses to import from France and Holland various articles, a vent for which was highly advantageous to those countries, although not called for by any national interest of our own. The export, by license, of many articles of foreign, and particularly of colonial produce, had also been allowed. Here again the conduct of Government was completely at variance with their system: the beneficial effects of privation appeared to be lost sight of: though he acknowledged it to be his own opinion, that the probable advantages of that system had been greatly over-rated. The want of tobacco, rice, coffee, molasses, &c. &c. was not likely to be so severely felt on the Continent as a long-continued want of employment must be by the manufacturers and artisans of Great Britain: besides which, the people of France and her dependencies were taught to believe, that in submitting to such privations, they contributed to create so much distress and discontent in this country, as must necessarily accelerate the restoration of peace.—But the complete and triumphant result, to which all our wishes and efforts should be directed, undoubtedly was, that amity and intercourse should be discontinued between America and France, and cordially renewed between Great Britain and America; and that the enemy should suffer not merely as much, or more than this country, but that whilst they laboured under all the inconveniences of a total suspension of commerce, those experienced by ourselves should be comparitively inconsiderable.—Such was the prospect opened to us by the offer through Mr. Pinckney; and he trusted that it was not finally destroyed by the ill-considered and repulsive manner in which that offer had been treated by our Goverment.—The professed object of the Orders, an object undeniably legitimate was "to retort upon the enemy the evils of his own injustice." It was however evident, that unless America submitted to the measures adopted for its attainment, which it was fruitless, if not impossible, to expect, it could not be accomplished without a large participation of those evils by Great Britain. The proposal from America through Mr. Pinckney had a direct tendency to relieve us from this dilemma, and to place us in a situation more advantageous than could have been reasonably hoped for: namely, that of seeing the threats and projects of the enemy, as directed against us, rendered in a great degree abortive, and the "evils of his own injustice fully retorted upon himself."—Amongst the reasons assigned for the rejection of this proposal, it was stated to be "important in the highest degree, that the disappointment of the hopes of the enemy should not have been purchased by concession." Nor would it have been so; for the proposal was not merely, in case the Orders in Council were revoked, to take off the Embargo as far as regarded Great Britain, but "If France persisted in her unjust Decrees, to continue the Embargo as to her, and by thus giving it the place of the British Orders, to lead, with an efficacy not merely equal to theirs, but probably much greater to all the consequences that would result from them." Unfortunately, however, his Majesty was advised to declare his intention to enforce these Orders, as long as the Berlin Decree remained unrepealed. He said unfortunately, because the condition which had been deemed indispensable, appeared to him most undesireable; as he did not scruple to acknowledge it to be his wish, that, intercourse and harmony being restored between Great Britain and America, the Berlin Decree might remain unrescinded; exposing the unavailing violence and injustice of the French Government, and irritating and rousing America to a sense of her true interests, which were, connexion with this country, and alienation from France.—On this view, however, of their duties to their Sovereign and their country, ministers had unfortunately taken their stand. To this condition, although the beneficial objects of their measure might have been otherwise more effectually secured, they were prepared and resolved to sacrifice not only the advantages arising from the application of American capital and industry to other purposes than those of internal trade and manufacture, but also those held out to us by the extensive and growing demands of the market of America.—But to these consequences of their pertinacity, ministers appeared to have been rendered insensible, or indifferent, by the circumstances which might be supposed to have produced it.—At the precise period of the rejection of the overture, a prospect was opening in Spain, Portugal, and their dependencies, which they seemed unfortunately to have considered as having rendered the friendship, the conduct, and the market of America, comparatively unimportant to Great Britain. A spirit of intoxication, excited by success, which had the principal share in producing the Berlin Decree, seemed also to have occasioned the rejection of the overture from America. The avowed objects of their own measure, exceptionable in most respects as it has been justly deemed, appeared to be so completely within their reach, that ministers were fully entitled to congratulate themselves, and to take credit for its success: but for the chance of a triumph, paltry at best, by which too, if accomplished, that success would have been rendered less perfect, the proffered advantages were thrown away, and the probability of again bringing them within our grasp could now only be effected by the timely and authoritative interposition of Parliament. Such was the purpose of the noble baron's motion, which called upon their lordships, to obviate, if possible, the effects of past error on the part of ministers, by humbly recommending it to his Majesty still to accept the proposition from the United States of America as a basis of negotiation.—It had, however, been said that "if third parties were sufferers from measures of retaliation against an unjust belligerent, they were to seek redress from the originally offending power." Without stopping to make upon this assumed principle the observations to which is was liable, the noble lord said it was enough to state to those, by whom it was advanced, that such *had been* the conduct of America: she had not only sought redress from France, but demanded it in a manner, which evidently shewed that, in the event of an accommodation with this country, redress, or war, was the only alternative. The same proposition was made to each of the belligerents, and having been rejected by Great Britain, he should be apprehensive indeed that it would be accepted by France, was it not for the known and hitherto inflexible pertinacy of the ruler of that country.—To guard, however against such a possibility, it was material that no time should be lost: it was also highly desirable to allay and stop the progress of the irritation created in America, which had nearly silenced the friends of Great Britain in that country, and united Federalists and Republicans in a common sentiment of indignation, excited by supposed injustice and apparent contempt. Still, however, he was decidedly of opinion, that war itself was far preferable to the concession or compromise of any maritime right founded upon the established principles of maritime law which was equally binding on all countries. On this basis rested what was called the rule of the war of 1756; and to the principle of that rule, instead of the system of "pernicious indulgence" commenced in 1794, we must recur and inflexibly adhere, unless we meant to allow the enemy advantages arising from his own weakness, and to forego those which were due to our own strength; unless we had ceased to feel the importance of impairing to the utmost of our power some of the most valuable sources, of the revenue, the commerce, and navigation of France, and of cherishing and preserving those of Great Britain. The urgent expediency and necessity of this just policy increased in proportion to the extension and consolidation of the dominion and influence of the enemy on the Continent: it was the only instrument by which we could balance his power.

Non illi imperium Pelagi sævumque tridentem,
Sed mihi sorte datum,

might be confidently asserted by Great Britain; but we must *act* upon this system with energy and vigour; the enemy must feel, that, with the greatest part of the Continent at his feet, to the Continent he is still confined:

——Illâ se jactet in aulâ;
Et clauso carcere regnet.

He must feel, and it must be made manifest to the world, that, except by chance or stealth, he could have no communication with his foreign possessions; not even any intercourse by sea, with the distant parts of his own European dominions: and that for all these purposes the neutral flag was not less interdicted than his own. This was a legitimate application of our naval superiority, in the preservation of which, America was not less interested than Great Britain; and by no other means could it be effectually maintained; it was the great barrier against the attempt of universal empire, and, if wisely exercised, might, humanly speaking, be deemed sufficient to uphold the independence and pre-eminence of this country against every possible combination. Still, however, those appeared to him to be shallow statesmen, who supposed that a good understanding with America was not highly important to the naval interests of Great Britain. To renew and strengthen that good understanding was the object of the noble baron's motion, and he felt that in supporting it he was discharging his duty to his sovereign and his country; being fully convinced that it was calculated to soften animosity, to remove impediments to a connexion, on all accounts important to ourselves, and certainly not less so to the United States of America; a connexion directly adverse to the wishes and policy of France, and more capable of setting bounds to her insatiable ambition than any other which could reasonably be hoped for in the present distracted state of the world.—On these grounds, though he did not concur in all the opinions expressed by the noble baron (Grenville) who made the motion, he approved of the motion itself, and should cordially support it.

Lord *Melville* said, he should not intrude upon their lordships time; but he wished to observe, that the question seemed to be wholly misunderstood, both by the noble mover and the noble viscount who spoke last. The one said that his object was to discuss the entire merits of the case; the other, that he was desirous of submitting to the notice of his majesty the distrust he felt of the persons at the head of government. The former alluding to the transactions, the latter to those who were concerned in conducting them. The noble lord said he should have thought it more manly to have taken a direct course, instead of attempting to pass a vote of censure thus blended, in which the real design was rendered obscure. He resisted this Address, because it was an unnecessary interposition of the house during a negociation now pending with the United States. Other motives he had for opposing the motion of the noble baron, which he would briefly explain: the origin of the Orders in Council was to be found in the Edicts of Berlin, which had violated all the maritime and neutral rights that had been recognized in Europe for centuries. The first proceeding in consequence of those Edicts, the Order in Council, was of the 7th of January, 1807; and the nature of it had been misapprehended. The rule of the war of 1756 was supposed to be the effect of the Order in Council; but if this were all, the Order itself would have been unproductive and nugatory; if such were the whole result, it would have been incompetent to encounter the Berlin Decrees, which extended not only to France, but to all the nations dependant upon her authority. The rule of the war of 1756 might merely be considered as a coasting Regulation, the Order in Council of the 7th of January was founded on the just principle of retaliation, and so it had been correctly explained in Lord Howick's admirable letter on the subject.—He (lord M.) had stated, that the Berlin Edicts were a violation of all maritime and neutral rights. But there were neutral duties as well as neutral rights. A neutral state should hold the balance even between the belligerent powers; and if this duty were neglected, the neutral rights would be forfeited. Lord Howick properly contemplated these duties, and seeing the preference which must be given to France under the operation of the Edicts, he properly observed, that he could not rescind the Orders in Council until those Edicts were revoked; and he added, as fitly, that under other circumstances, to abandon the Orders in Council would be to resign the best principles of our maritime rights. Why should not these just maxims be regarded? Could the flimsy correspondence between general Armstrong and the French minister at Paris, vindicate their surrender? It was no wonder that France was mortified and America disappointed; for before the salutary operation of the Orders in Council, the whole produce of the colonies of the former was conveyed to Europe by the shipping of the latter. The Orders in Council had undergone a long and laborious discussion; and unless their lordships meant to abandon all that they before respected and approved, they could not now consistently agree to an address for the repeal of them, unless, admitting the measure to be correct, they had seen so much mischief in the mode of its execution, as to overthrow or obstruct all its beneficial tendency. But no such objection had been mentioned, and he believed no such existed. It was said, that by the correspondence on the table, between Mr. Pinckney and Mr. Canning, it appeared, that if the Orders in Council were rescinded, the Embargo would be withdrawn. Were we, on such a proposal, to desert what was considered so essential to the preservation of our maritime rights? Were we on such an obscure intimation to resign what we and our predecessors in office deemed to be so important to our highest interests? He was no advocate for prejudicing America. God forbid, that he should ever consider that the adversity of America was the prosperity of Great Britain; on the contrary he thought, that the prosperity of the one was now, and would be for a long while, highly conducive to the interests, wealth, and welfare of the other. If all Asia and Africa, and all Europe, this kingdom excepted, were with America, and this country against her, it would not be so advantageous a situation for her as if we were with her, and all the rest of the globe opposed to her; and he hoped that America would so far understand her true interests, and shew her correct views of them by her future conduct towards us. Never was there a period more favourable to a close union between Great Britain and the American States than the present (hear! hear!), but this desirable purpose was not to be attained by revoking the Orders in Council on the feeble grounds now stated. He could not coincide with the noble mover, because he could not on this occasion condemn ministers without applying the same condemnation to their lordships, who had deliberately sanctioned the measures represented in this address as unjust and impolitic.

Lord *Auckland* admitted that the noble viscount had argued his propositions with great fairness, but totally differed in the conclusions deduced from them. He was not accurate in observing, that the revocation of the Embargo would be the only beneficial consequence of the abandonment of our Orders in Council; Mr. Pinckney had distinctly referred to other advantageous effects of such a concession. Nor were the noble lords quite justified in the remark, that the Embargo originated in the Edicts of Berlin. It was the consequence of the Orders in Council, which although not officially announced in America, were known there to have been adopted when the Embargo was resorted to, and such was the reason assigned in many of the eloquent speeches lately delivered in the senatorial assemblies of the United States. Be the cause, however, what it might, we could not act more impoliticly, than by such orders to compel America to supply herself by her own internal industry, with those manufactures she formerly procured from Great Britain, which was attended with this double inconvenience, of raising to our traders here the price of the raw commodity, and lessening the demand for the article in its manufactured state. The noble Viscount seemed not to be satisfied with the assurances of the American minister; but no scruples would any longer remain, since there had been an act of the legislature in which a power had been given to the executive authority to rescind the Embargo, as soon as the British Orders in Council should have been repealed. In addition to this important and exclusive advantage, a commercial war, at least, would be waged by the United States against France, and all the abundant benefits would result from the concession, which an extensive intercourse with America must inevitably secure.

The *Lord Chancellor* having left the woolsack, said, that the late ministers had perfectly concurred in the principle of retaliation, which it was the object of those Orders in Council to regard and enforce. To agree to the Address would be to contradict every opinion their lordships had before pronounced, unless some new case could be presented which rendered a change in the measure expedient. The noble mover and the noble baron who had just spoken, differed as to the event on revoking the Orders in Council; the one only contemplated the cessation of the Embargo as the consequence; the other looked to a much more extensive result, which he (the Lord Chancellor) could not admit to be at all a necessary or probable effect. On the whole, he trusted that the same policy would be adhered to which had been adopted after so much grave deliberation.

Lord *Erskine* said, that in every discussion on the Orders in Council, and as an answer to every statement of the calamities that had flowed from them, it was the constant and invariable practice of noble lords on the other side to refer to the order of the 7th of January. Accordingly, his noble and learned friend had laid all upon the 7th of January; though certainly nothing could be more distinct than the measure of that period and the memorable Orders in Council which were the source and fountain of the incalculable mischiefs which the noble lord, the mover of the question had so emphatically described. The noble and learned lord had described the admirable paper of his noble friend as the joint production of the statesman and the lawyer. Highly as he would be flattered by the reputation of having contributed, in the least degree, to the composition of that paper, he must declare, that he had only to admire it in common with every man who heard it, but could lay claim to no part of its merits. It contained in itself the whole statement, and all the argument of the case. He had no occasion to refresh his memory by looking back to his own minutes. It presented him with a full view of the impolicy, the mischief, the ruin of the measure. The noble and learned lord (Erskine) summoned the secretary of state (according to the fashion of the day) to meet him fairly on the point, and say whether it would not be much more advantageous, as well as more graceful in the British Government, to take advantage of the proposition, which the Americans had made to the two belligerents, and instantly to do away the Orders in Council. He challenged him to meet and argue the case fairly; whether, even on their own proceeding, this would not be the more prudent as well as more dignified course. By the letter of Mr. Erskine, they had directed him to say, that if the French did away their Decree, our Orders in Council would of course be at an end. They had put themselves therefore, into that predicament, in which if the French yielded, they must yield also; and then they were to come in for a share only, in common with France, of the American commerce. Whereas if they took advantage of the offer fairly made by the Americans, and repealed their Orders in Council, without waiting for the French repeal, they would have a monopoly of the American commerce, and would be able to deprive the French of all participation in it. As a matter of policy, therefore, as well as of grace, they ought not to omit this opportunity which their own misconduct had afforded them. For though it was wrong originally to put themselves into this state with America, the very declaration they made by Mr. Erskine enabled them to profit in this way from the present posture of their affairs. The noble and learned lord concluded a very able and argumentative speech with a strong appeal to their lordships on the calamities which a perseverance in this system was certain to bring upon the country and which he was sure, whatever they might be disposed to admit in language, they all must feel in their hearts.

The Earl of *Liverpool* supported the Orders in Council, as being founded upon the right, which every belligerent nation had, of retaliating upon its enemy the acts of aggression, which that enemy had adopted against it. He considered the evil of the Orders in Council, as they affected America, only as incidental consequences of the just retaliation, which, as a neutral nation she could have no right to impute to Great Britain as an act of hostility, or of unjustifiable violence upon her neutrality; but should seek redress from France, with whom the first cause of complaint originated. America should call on the aggressor to redress the wrong he had committed and return to the law of nations. On this subject he had never any contradiction with the late Government, and the principle, upon which he was now arguing, he said, was to be found expressly laid down in lord Howick's letter to Mr. Rich. He contended also, that the Milan Decree of the 10th of December could afford no reason for the Order of the 10th January. With respect to the offers of America, he treated them as very unsatisfactory. America, he said, had shewed no disposition to act properly towards us, but, on the contrary, had held out every temptation to France; had allowed the right in France to make any Orders, which might affect Great Britain, provided she only repealed those Decrees which interfered with the convenience of America, while, at the same time, she demanded of us, that we should repeal the whole of our Orders in Council. It was never distinctly held out to us, that if we would repeal the Orders, she would act with hostility to France; but only, that the consequence of such a repeal would be the alteration of the conduct of France, or that it would lead to some change, which would be a return to the law of nations. That, if we would revoke so much of our Orders as affected their neutrality, that would have an effect npon the Embargo as to us, but no distinct proposition was made. Much had been said upon the commerce of the country being injured by the Orders, which led to a very important question. As far as concerned the colonies it was connected with the navigation laws; those laws which it had upon some occasions been the practice of late political economists to consider as of doubtful policy, but which had been the great support of the commerce of the country. He imputed in this respect, much impropriety to the conduct of the late government, and charged them with having by their procedures, with respect to the operation of those laws in the colonies, done great injury, even of having gone very far towards ruining the shipping interest. He also noticed the Abolition of the Slave Trade, as greatly affecting the interest of the colonies, and making them less able to bear the inconvenience of the Embargo at the present time. In answer to the arguments drawn from the effect of the Orders in Council on the export trade, he contended, that our exports had risen, since those Orders, with respect to all nations, except America. The noble mover had stated the injury to commerce as a growing evil, which would be felt more now than at the first; but he considered, that the reverse of this was the truth, and that the inconvenience felt in the novelty of the measure would be lessened or removed in the colonies, by the means which they would resort to of obtaining supplies from other sources. In confirmation of the flourishing state of commerce, as opposed to the noble lord's statement upon the exports, he stated, that the four quarters for the years 1807 and 1808, had produced to the Consolidated Fund 3,839,000*l.* which, as being derived from every species of revenue, proved the flourishing state of the resources of the country. He concluded by declaring, that the Orders in Council were founded in justice, approved by experience, and were the best means of retaliating upon the aggressor, the acts by which he had violated the laws of nations.

Lord *Grenville* said, that at so late an hour of the night he should not think of troubling their lordships, but with a very few words indeed. He adverted with great feeling to the allusion that had been made by a noble earl (Bathurst) to Mr. Grenville, as having been the first cause of the separation of America from Great Britain. He corrected the noble earl's statement, and shewed from dates, that though Mr. George Grenville had more than 40 years ago proposed a small tax on the United States, yet the measure was in a few months repealed; and when afterwards taken up by another minister of the crown, it had met with his warm opposition, as a measure, which once conceded upon principle, ought never to have been resumed. The least calamity, that flowed from that inconsiderate measure, was the separation of the colonies; the real calamity was the loss of character which the parent state incurred. When the noble earl therefore recalled his view to the conduct of his ancestor, in regard to America, he recalled to him only what gave him pride and satisfaction. He next alluded to what had fallen from a noble viscount (Melville,) but as he had left the house, he should not combat the opinions he had held—one thing, however he deplored—that the noble viscount had left the house, and had not heard the language of his majesty's Secretary of State, who had spoken last—for the noble viscount had said, that, he would vote for the Address moved this night, if he saw any indisposition in the king's minister to negociate with America in the spirit of peace. Now, if he had heard the noble earl who had just sat down, he must have been convinced that there was no amicable disposition in his majesty's government towards America, and consequently he must have voted, on his own principles, for the Address.—The noble lord painted in strong colours the argument of the noble earl (Liverpool), in his attempt to raise a difference in the proposition that had been made by America to the two belligerents, though, by a comparison it would be found, that they were shortly and literally the same. The noble lord explained this, by shewing that the French Decree had a double character; that of municipal regulation, which it was admitted every independant state had a right to enact unquestioned; and the other, that which attempted to touch the law of nations, on the high seas, and which was the only matter of aggression to America. He complained of the noble earl's not stating the position fairly, and then drawing from his own mistatement an unjust and injurious inference, that the American minister professed his willingness to acquiesce in the principle, nay to afford the means to France, of annoying England, provided only she would give the Americans relief from their own grievance. Nothing could be more disingenuous than this interpretation; and the noble earl had further insinuated, that an amicable termination of the differences could not be looked for while a party hostile to this country held the government in America—an insinuation which was certainly not calculated to conciliate. He concluded with an animated appeal to the house to interfere between the passions of the king's ministers and the distresses of the country.

The Earl of *Liverpool* explained, and stated, that he only said, that if the same disposition to friendship prevailed in America now as when Washington and Adams were in office, the same difficulties would not be felt.

The house then divided on the Question—

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List of the Minority.

Present.

Dukes of
Gloucester,
Norfolk.
Marquises of
Stafford,
Headfort.
Earls
Derby,
Essex,
Albemarle,
Bristol,
Cowper,
Stanhope,
Buckinghamshire,
Rosslyn.
Viscount
Sidmouth.
Lords
St. John,
Hastings, (earl of Moira),
King,
Clifton (earl of Darnly),
Ponsonby (earl of Besborough),
Mountfort,
Hawke,
Sundridge (duke of Argyle),
Bulkeley,
Somers,
Grenville,
Auckland,
Carrington,
Dundas,
Erskine,
Spencer (marquis of Blandford),
Ailsa (earl of Cassilis),
Bishop of
Oxford.

Proxies.

Dukes of
Grafton,
St. Albans,
Bedford,
Devonshire.
Marquises of
Buckingham,
Bute.
Earls
Suffolk,
Shaftesbury,
Jersey,
Cholmondeley,
Wentworth Fitzwilliam,
Thanet,
Guildford,
Darlington,
Hardwicke,
Spencer,
Fortescue,
Lucan,
St. Vincent,
Orford,
Grey.
Viscounts
Hereford,
Bolingbroke,
Duncan,
Anson.
Lords
Monson,
Foley,
Ashburton,
Braybrooke,
Mendip (viscount Cliffden),
Yarborough,
Glastonbury,
Lilford,
Carysfort,
Ossory,
Lauderdale,
Crewe,
Ponsonby of Imokilly.
Bishop of
Lincoln.

HOUSE OF COMMONS.

Friday, February 17.

[Embezzlement of the Public Money.] Sir *John Newport* rose pursuant to notice, to move for leave to bring in a Bill to render the Embezzlement of Public Money, by any collector, agent, or other person entrusted to receive the same, felony without benefit of clergy. Not anticipating any objection to the Bill, he felt it unnecessary to trouble the house at any length now. He found, so long since as the 29th of his late majesty, a Bill had passed, to render it felony without benefit of clergy, for any person employed in the collection of public monies in Ireland, to embezzle any sum above 50*l.* That Bill, however, had become obsolete, and was not sufficient to answer the objects of this Bill, which was to carry the law further, and to reach the principal as well as the deputy officers entrusted with the receipt of the public money. He therefore moved for leave to bring in the Bill.

The *Speaker* suggested to the right hon. baronet, that the regular course of proceeding in such cases, was to move for leave to bring in a Bill for the better prevention of frauds and embezzlements in such cases, and leave it for the Committee on the Bill to insert the punishment to be inflicted on offenders.

Sir *John Newport* amended his motion.

Mr. *Foster* wished to apprize the right hon. baronet that he had a Bill in contemplation, which he intended shortly to introduce, and which, besides embracing all the objects of the Bill now proposed, would extend much further. He therefore wished the right hon. baronet to postpone the introduction of his Bill until the other should come before the house: if, however, he wished to persevere, there would be no negative to his motion.

Sir *John Newport* said, it would be time enough to withdraw his Bill, when he should find that his objects were answered by the Bill now announced. It had been already provided by a regulation, that no greater sum should remain in the hands of any collector than 300*l.*, notwithstanding which, it was found that there had been left in the charge of one officer upwards of 30,000*l.*; and recently, the collector of Cork, Mr. O'Connor, had embezzled 23,000*l.*

Sir *Arthur Wellesley* admited that the collector of Cork had embezzled this sum; but it was the collection of only one week; and he eloped at the moment that a commissioner was sent down to enquire the reason of his delaying his payments.—Leave was given to bring in the Bill.

[Mr. Beresford's Complaint against the Morning Post.] Mr. *Beresford* rose and said, that as he seldom troubled the house, he hoped for their indulgence while he stated a circumstance which regarded their Privileges. If he had asserted any thing in that house respecting any member which he knew to be founded, he should be one of the last to retract his words; and if, on the other hand, any words were imputed to him, which were hurtful to the feelings of any member, and which he had not employed, he should hold it extremely unmanly to omit the first opportunity of satisfying the feelings of such member by a candid explanation. In the Morning Post of this day there appeared a statement of the proceedings of the Committee last night, in which words were imputed to him, reflecting on the conduct of an hon. gent. which he certainly never uttered. The words were these :—" Mr. " Beresford, addressing himself to Mr. " Wardle, said, he could not refrain from " animadverting on several parts of the " hon. member's conduct in reference to " him from the commencement of this " inquiry. He considered it unhandsome " and ungentlemanly. Upon this, some " smart retorts passed between Mr. Wardle and Mr. Beresford." Mr. Beresford thought it quite unnecessary for him to appeal to the recollection of the house whether he had ever addressed any such words to the hon. gent. In fact, none such were uttered by him: and he should have felt it extremely unmanly not to take the first opportunity of making this explanation, in order to remove any impression which such a publication might make on that hon. gent.'s feelings. It was a gross misrepresentation, and therefore he should move, " That the printer of the Paper in question should appear at the bar to-morrow in the custody of the serjeant at arms."

The *Speaker* said, that the course usual on such occasions was to give in the Paper containing the misrepresentation to be read by the clerk; and then to move that the printer do appear at the bar on a future day.

Mr. *Beresford* accordingly gave in the Paper, when the passage was read by the clerk. Mr. B. then said it was not his wish, from any personal feeling, to proceed to extremities with the printer in this case: he had merely taken up the matter as a gross and mischievous breach of the privileges of the house. He would rather leave it to their discretion; but, if they encouraged him, he would repeat his motion.

The *Speaker* said, if the hon. gent. did not wish to make any formal complaint, it would be best to hold the business over in suspense, in order to see whether the party persisted in statements of the same colour and tendency; and therefore he suggested that the subject should be further considered on Monday sennight.—Mr. Beresford acquiesced.

Lord *Folkestone* seconded this latter proposition, and rose to bear his testimony, in the absence of his hon. friend (Mr. Wardle,) that the words in question had not been used, and that the feelings of his hon. friend were in no respect aggrieved. The noble lord approved of the course proposed to be adopted, and acknowledged the handsome and honourable manner in which the hon. gent. had taken up the subject.

Mr. *N. Calvert* did not object to the motion; but at the same time observed, that these things, in general, were too slightly passed over, and particularly with respect to the liberties taken with the speeches of members of that house.

The *Chancellor of the Exchequer* observed, that if an hon. member had brought forward a complaint of this nature, and insisted upon punishment for a breach of privilege, he could not see how the house could refrain from entertaining the subject, and proceeding to punishment. But under all the circumstances it must be allowed, that it was scarcely possible but there must sometimes be mistakes. A paper had been put into his hands this day, in which there was a most complete misrepresentation, with respect to a material part of the statement which he had made to the Committee, in the affair of the Note which purported to be that of the D. of Y. But, as he was aware that this misrepresentation was altogether unintentional, he had not felt sore on the subject.

Mr. *W. Smith* agreed with what had fallen from the right hon. gent. except in so far as he seemed to consider the pressure upon any particular member as the measure of punishment. A member might feel himself severely aggrieved, and from a proper sense of his own dignity, propose a severe punishment, when the house might see reason to dispose of the matter in a very different way. The person who made the misrepresentation might be wholly unconscious that he did so, and might have no idea of the mischief that might result from it; but, at the same time, had it been thought fit to call the parties to the bar, and to give them such reprimand as the nature of the case might require, he did not see that the parties themselves would have had any right to complain. This, he believed, would not injure the liberty of the press, for which none could be a more strenuous advocate than he was. He, however, thought the course at present proposed perfectly proper, and fully agreed, that while the publication of the proceedings of the house were connived at, and he hoped it would always be connived at, unintentional mistakes ought to meet with indulgence.

Mr. *Yorke* thought that the liberty of the press had of late been carried to such lengths, and the misrepresentations of the proceedings in that house, both collectively and individually, had for some time been so frequent, that it was time for the house to come to some understanding on the subject. He regretted that he was not in the house when this business was introduced; but from what he understood, he agreed with the last hon. gent. in thinking that the printer ought to be brought to the bar to answer for his conduct. As to the liberty of the press, he himself had been bred up in principles which taught him to view it as the palladium of British liberty; but he thought that from a laxity of discipline in the exercise of that liberty, of late so much licentiousness had crept in, as to call for some effectual check to its progress. He did not feel a wish to introduce any new law or statute on the subject, but merely a vigilant exercise of the laws already in existence. As to the encroachments which had been made upon the privileges of that house by the publication of its proceedings, he was not one of those who wished for any rigorous exertion of their powers in that respect; but he thought, at least, that those who took upon them to infringe those privileges, by publishing the proceedings of the house, should be responsible for their misrepresentations, whether intentional or otherwise. The rules of the house ought not to be violated: trivial mistakes might be passed over, because, otherwise, inquiries would be endless; but where such serious complaints as the present were made, he thought the printer should be called to the bar and punished.

Mr. *Whitbread* rose, and said he could not agree with the principle laid down by the right hon. gent. who spoke last, of acting with rigour in the case of an unintentional misrepresentation of what had passed in that house. The mischief arising from such errors was nothing in comparison with the good which the country derived from the publication of the substance of what was spoken by members within those walls. This was not the first time of late that the right hon. gent. (Mr. Yorke) had expressed his disapprobation of the licentiousness of the press; but before the right hon. gent. complained of that licentiousness, in respect to the publications to which he had before alluded, it should be proved that they were libels, and unfounded in truth. On the contrary, those publications complained of were productive of the happiest consequences to the country, in promoting inquiries which otherwise would never be instituted. The right hon. gent had said, that the privileges of the house were equal to their own protection; but he never knew from any instance of the nature now under discussion, wherein those privileges were exerted, that the least good ensued. The right hon. gent. complained of laxity in discipline towards the press of late: it did not appear, however, that the law officers of the crown had been remiss in their duty, if he looked to the numerous prosecutions for libels which were carrying on; nor was it at all evident, that the courts of law had been criminally lenient in awarding their punishments. Mr. Whitbread then expressed a wish, that the Chancellor of the Exchequer, in order to obviate a mistake which appeared in his Narrative last night, by the insertion of the word *not*, would insert the whole of that Narrative upon the Minutes, as he for one was happy to acknowledge that Narrative to be a complete and faithful picture of the proofs he afterwards adduced.

Mr. *Yorke* denied that he had ever said that any new laws were necessary to restrain the freedom of the press.

Mr. *Whitbread* said that he might have misconceived the right hon. gent. but that he understood him both on this and a former occasion to have said something to that effect.

Mr. *Bathurst* thought the insertion on the minutes of the Narrative alluded to would be an irregular proceeding; but with respect to what had been said of the Liberty of the Press, though he was one of those who wished to support it when genuine, he could not avoid observing the recent notoriety of its licentiousness; and if public bodies allowed their proceedings to be misrepresented, it was impossible to say where that licentiousness would stop. He deprecated the severity with which the hon. gent. who last spoke had adverted, though obliquely, to the conduct of the Law Officers of the Crown, and Judges of the land, in prosecuting and punishing libellers. If men were guilty of criminal acts, there were public tribunals in the country to which recourse might be had for justice against them; but if persons were permitted to take vengeance into their own hands, by publishing their accusations in preference, it was impossible to say where the mischief would terminate. This had been the case in some recent libellous publications, the authors of which were the sources whence some gentlemen had derived the grounds of their Charges, and yet they could make nothing of the proofs those persons were able to furnish.

The *Chancellor of the Exchequer*, in answer to what had fallen from Mr. Whitbread, said, it would be an irregular proceeding to enter upon the Minutes of the Committee, the whole of the Narrative, by which he had felt it necessary to introduce the complicated circumstances afterwards produced in evidence respecting col. Hamilton and capt. Sandon. Whatever facts were within his own knowledge, he was ready to state if examined, and his answers would be the most regular form in which the subject could appear in the Minutes.

On the question that the debate on this subject should be postponed to Monday se'nnight,

The *Attorney General* rose. He said that an hon. gent. opposite (Mr. Whitbread) had been pleased to declare, that the present law officers of the crown had not been remiss in entering into prosecutions for Libels. That term, well worked up and sent abroad, might produce a very different sentiment in the public mind. Indeed, he himself could not avoid supposing it possible, that by " not remiss" the hon. gent. intended to imply that they had been more than properly diligent. Whether he meant so or not he did not know, but the words were capable of that construction, and would, he had no doubt, receive that construction from some of those, respecting whose conduct a complaint was then before the house. Certainly, what the honourable gentleman had said was not intended for commendation; but he would appeal to every honourable gentleman in the house who had heard of the publications against which prosecutions had been instituted, and who had read a tenth part of the publications against which prosecutions might have been instituted, whether the law officers of the crown could with justice be accused of a disposition to prosecute too frequently. With respect to the judgments of the courts of justice, the hon. gent. had insinuated, and that not darkly, that they were severe. He fully believed, that the learned and upright judges of our courts, who had pronounced their sentences with deliberation and impartiality, would not want able defenders in the house of commons, if their conduct was fairly, properly, and manfully brought forward; but he did not think justice was done them, when general reflections were thus thrown out to be re-published by persons, on the conduct of some of whom their judgment had been passed; and this under the authority of the hon. gent. that their judgments had been severe. He had not heard the hon. gent. specify any particular instances of severity. He dared to say that he would not do so; because the hon. gent. knew that if there was a just, legitimate, and constitutional ground of complaint against them, that was not the way in which it ought to be preferred. Their judgments, he was well convinced, would stand the most severe investigation of the public or of any individual, but then that inquiry ought to be definite; it should be marked with precision what was complained of, in order to give those against whom the complaint was made some proper opportunity to defend themselves. They ought not to be driven, as they might be driven, by the way in which the hon. gent.'s speech would probably be introduced in some of the news-papers, either to submit silently to calumny, or to descend to what he was sure they never would descend to; namely, to defend themselves by channels similar to those by which they were attacked.

Mr. *Whitbread.* I rise only to say that I am ready and willing, if it be consistent with the forms of the house, to state to what particular judgments I have alluded.

Mr. Sec. *Canning* was astonished that—

Lord *Porchester* spoke to order. He conceived that the house had, for a considerable time, swerved from the object before them. It was perfectly disorderly thus to prolong this debate, or to enter into any examination of the conduct of the courts of justice.

Mr. Secretary *Canning*, in his own conception, was strictly in order. He had entered the house a considerable time after the commencement of the discussion, but he understood that it began with a complaint on the part of an hon. member, of a misrepresentation of his sentiments in a newspaper of the day; that that occasioned a dissertation on the Liberty of the Press; that that produced a censure of the prosecutions for libels; and that that caused, what it was very natural to cause, a recommendation to the hon. gent. opposite, from his hon. and learned friend, that if he complained of the administration of justice, in that house, to do so, not incidentally, or by implication, but in that grave and serious manner which so important a subject demanded. The hon. gent. had received a very just admonition from his hon. and learned friend, and he had risen to join his admonition.

Lord *Folkestone* spoke to order. It was certainly very irregular for one hon. member thus to talk of admonishing another.

The *Speaker* decided, that as the debate had taken such a turn, Mr. Canning was strictly in order, and that the noble lord was not warranted in his objection.

Lord *Folkestone* said, that after what had fallen from the chair, he could not but apprehend that he had been misunderstood. He had not complained of the turn which the debate had taken; he had complained of the right hon. gent. having talked of admonishing an hon. member; and that this was not a casual expression was evident, by the word "admonition" having been twice used in a very warm manner by the right hon. gent. Was it regular to permit one hon. member to rise merely for the purpose of admonishing another?

The *Speaker* was not aware that he was called upon nicely to measure and weigh every expression that might chance to be used in debate, or that his duty demanded his interference, unless he felt strongly that any personal disrespect was intended.

Mr. Secretary *Canning* declared, that he had never risen with less warmth than he had this evening. He had little or nothing to add to that which he had already said. Whether the hon. gent. complained generally of the administration of justice, or whether, as it appeared by his subsequent statement, he complained of any particular instance of mal-administration, the subject was one which it was perfectly fitting for a member to introduce to the house; but then, he dare not venture to say he would admonish, but he would suggest to the hon. gent. that it ought to be done with the utmost gravity and deliberation, and not incidentally in such a debate as the present. Whenever the hon. gent. might think proper to bring the discussion forward, he had no doubt that the venerable judges whom he accused would find able defenders in that house, amply provided with both the means and the inclination to do them justice.

Mr. *Whitbread* assured the right hon. gent. that he should be always happy to hear any thing from him in the way of 'admonition;' in the present instance, however, it was quite unnecessary. He had not accused the Judges of too great severity, but he had said they could not be accused of lenity in their sentences, on those who had been convicted of supporting the licentiousness of the press. He had also said, that too severe judgments would only produce the contrary effect to that which was intended. If he had intended to animadvert on the Judges, he would have done it directly, by bringing forward a charge in the regular manner.—As to the right hon. Secretary, he would doubly thank him, if, as to night, he would always openly state to whom he alluded, and not merely utter an insinuation which left its meaning in doubt.

The further consideration of this subject was postponed to Monday se'nnight.

[Conduct of the Duke of York.] The house having resolved itself into a Committee to inquire further into the Conduct of h. r. h. the Duke of York;

Mr. *Wharton* stated to the Committee, that he, as their Chairman, had received a letter from lieut. col. Tucker on the subject of this Inquiry, which he would beg leave to read to the Committee.—[Here the letter, which will be found at p. 824. was read.]

Sir *A. Wellesley* rose for the purpose of paying a just tribute to the talents and services of the officer in question. He had known him particularly well in Portugal, and certainly esteemed him a very meritorious officer. He was the more willing to state this, as he had many communications with that officer's family; and he believed, that at the time col. Tucker was about to be promoted, several applications had been made to him offering him advancement, by money-brokers, which that officer spurned at with becoming contempt. He knew that col. Tucker got his promotions properly, and all by brevet rank.

Earl *Temple* was happy to add his mite to the applause of the gallant general as to the brother who had fallen, and he was sure the same justice would be done to the living brother. He would afterwards move that the Letter should be entered on the Minutes.

Lord *Folkestone* was inclined perfectly to coincide with the opinions of those who had preceded him as to the merits of the two officers; he apprehended the name of Tucker had been placed in the evidence improperly for that of Trotter.

Sir *T. Turton* objected to the Letter's being entered on the Minutes, as it could not possibly be evidence.

The *Chancellor of the Exchequer* thought that no objection could be urged except as to the identity of the writing; many letters had been put on the Minutes on as slight grounds.

Mr. *Sturges Bourne* said, that one serious charge (that of col. French) was entirely grounded on similar evidence.

Earl *Temple* thought that if the writing was first proved the difficulty would be done away.

This was deferred until some person was to be found who could prove the writing.

Mr. *Wardle* wished here to read a Letter which he had received from Miss Taylor relative to her testimony:—"Sir—Mrs. "Hovenden has chosen to draw some in-"ferences unfavourable to me in her evi-"dence. I have only to say, that she visit-"ed me once at Bayswater and once at "Dalby Terrace. She has said she would "not place her daughter under my care. "I do not know whether she would do "that or not: but I know she sent her "niece, of the age of 14 years, on a visit "to me. (Signed) Anne Taylor."—

Mr. Wardle did not desire this to be placed upon the Minutes.

Mr. *W. Smith* wished to know whether the hon. member intended to found any proceeding upon the letter of Miss Taylor; he thought her case was a peculiarly hard one; he did not see why any shadow of disgrace should attach to her (cries of Hear! and Order!). I should imagine (said Mr. Smith) that when any man rises in this house to advocate the cause of an unprotected female, he should be suffered to proceed.

The *Chancellor of the Exchequer* thought the hon. gent. was proceeding in a disorderly course. If he thought Miss Taylor had been treated severely, he should have noticed it at the time, and not now, after such an interval: if this proceeding was allowed, the consequences would be that those who were accused must defend themselves, and thus the time of the house would be wasted.

Mr. *W. Smith* thought that the time of Miss Taylor's letter being read was the most proper for him to make his remark on the subject, and he only wished to know whether any proceeding was intended to be founded on her letter: however, as the house did not seem inclined to entertain the subject, he was not anxious to press it.

Colonel GORDON was called in, and examined.

(By the Chancellor of the Exchequer.)

I need not ask you whether you are acquainted with the D. of Y.'s hand-writing? I certainly am.

Look at that paper [the short note spoken to by Mrs. C. last night] the outside and the inside [Colonel Gordon looked at the letter.]—I have formed my opinion upon it.

State to the committee your opinion.—The utmost I can say is, that it bears a very strong resemblance to h. r. h.'s hand-writing, but whether it is or is not I cannot take upon myself to say.

You speak to the inside of the note, when you make that observation? To both inside and outside.

(By Mr. H. Martin.)

Have you any reason to doubt that it is the Duke's hand-writing? I do not think that I can, consistently with my own honour, give a stronger opinion than that which I have already given.

(By Lord Folkestone.)

Are those letters the hand-writing of the D. of Y.? I think that is the hand-writing of the D. of Y. [a letter respecting general Clavering]; I am of the same opinion with respect to the other.

I observe that you gave your opinion with respect to the first letter, on a comparison with other papers in your possession, and that you did not compare the two last letters that were shewn to you with those other papers; for what reason did you make the comparison in the one case, and not in the other? The papers with which I compared the first scrap of writing, were letters that I have received from the D. of Y. in 1804, 5, 6, 7, and 8, which convinced me that the D. of Y. varies very little in his hand-writing; I thought it necessary to make a very accurate comparison of the first paper, when so small a scrap of writing was produced to me, and I found that that scrap of writing, as I said before, bore a strong resemblance to the D. of Y.'s hand-writing; in looking over the two last letters, each of which contained two or three pages of writing, I thought it quite unnecessary to make any such comparison.

Was the opinion which you formed with respect to that writing on that scrap of paper, formed in consequence of your knowledge of the D. of Y.'s writing, or merely from the comparison which you made? From both.

(By Mr. H. Martin.)

If a letter of the same hand-writing as that which you call the scrap of paper, had been addressed to you, and received by you, should you have hesitated to act upon it? I observe that scrap of paper had no signature affixed to it, I therefore would not act upon it.

(By Mr. Creevey.)

If that scrap of paper had had the D. of Y.'s signature affixed to it, would you have acted upon it? If that scrap of paper had had the signature of the D. of Y. affixed to it, I would have acted upon it.

(By Mr. H. Martin.)

If, in the same hand in which that scrap of paper is written, there had been the signature of Frederick, of the same hand-writing, would you have acted upon it? Unless I saw the hand-writing in which Frederick was written, I cannot possibly answer that question.

[The Witness was directed to withdraw.

General BROWNRIGG was called in, and examined.

(By the Chancellor of the Exchequer.)

Look at that paper which will be put into your hand [the short note], and say, whether you believe it to be the writing of the D. of Y. Have you formed any opinion of that hand-writing? I think it resembles the D. of Y.'s hand-writing, but I cannot positively say it is his hand-writing. [The letter respecting gen. Clavering being shewn to gen. Brownrigg]. This is certainly like the D. of Y.'s hand-writing, that I have now looked at; but I do not think the address is; the address is not like his royal highness's writing.

Do you believe it is his hand-writing? It is so like his hand-writing, that I should conclude it is; I speak of the letter, dated Sandgate, August 24, 1804. [The other letter produced by Mrs. C. was shewn to gen. Brownrigg] This letter is also like the D. of Y.'s writing.

What is your opinion upon it; do you believe that to be his writing? I do believe it to be his hand-writing; it is so like it, that I conclude it to be his writing; and this letter, dated the 4th of August 1805, is not at all like his hand-writing; I should not suppose it is.

Look at the short note; look over leaf; what is your opinion of that; what do you believe respecting that? My opinion is, that it is not so like the D. of Y.'s hand-writing as the others; it does not resemble the D. of Y.'s hand-writing in the same degree that the others do; there certainly does appear to me a similarity between the Duke's writing and this; yet I cannot speak so positively as to its being his writing as I do to the others; I cannot speak so decidedly.

Is the direction of that note more or less like the D. of Y.'s hand-writing than the direction of the other notes you speak to? I think it is more like it; I think the address appears to be written in the same hand as the inside; the address is written in a better hand, it is written fairer and more distinctly.

From your observation of the hand-writing of the short note, do you or do you not believe it to be the hand-writing of h. r. h.? I certainly do not believe it to be the hand-writing of the D. of Y., that is to say, I could not swear it was the D. of Y.'s hand-writing.

(By Mr. H. Martin.)

If the D. of Y.'s signature had been to that note, would you have acted upon it? I really think I should, looking at it cursorily, as I should in reading a short note from the D. of Y., and without having any suspicion that it could not be the D. of Y.'s hand-writing, I very probably should have acted upon it, if his signature had been to it.

(By Lord Folkestone.)

In this case, what gave you any suspicion that that could not be the D. of Y.'s writing? Because I happened to be in the house of commons last night, and heard this Note made a matter of question in the house; that is my reason.

Are the committee to understand, that you do not believe that note to be the hand-writing of the D. of Y.? I can only repeat what I have before said in answer to the same question; I think I have already answered that question in my last answer but one.

[The Witness was directed to withdraw.

Colonel GORDON was again called in, and examined.

(By Lord Folkestone.)

Did you ever hear that there was any suspicion raised respecting the small note which was lately put into your hand, whether it was the D. of Y.'s hand-writing or not, before you were examined at the bar upon that subject? Certainly I have.

When and where? The best way for me to proceed is to tell the thing exactly as it happened from the beginning to the end. I think last Saturday week about half past ten at night, the D. of Y. and Mr. Adam called at my house; I had been extremely fatigued and was going to bed; I was undressed; I went in my undress into the room where were the D. of Y. and Mr. Adam; the first word that was said to me was by the D. of Y., and I think the words were these; "Here is a very extraordinary business; "here is a forgery." Upon which Mr. Adam related to me, that capt. Sandon and col. Hamilton had come to town; that col. Hamilton had called upon him, and told him, that he had seen a note of the D. of Y.'s in the possession of capt. Sandon. After some further conversation, more general upon this point and others connected with it, it was determined that I should desire col. Hamilton to call at the Horse Guards the next day at one o'clock, to meet Mr. Adam; I did do so, and the next day at one o'clock the messenger brought word to me that col. Hamilton was waiting in the usual waiting room; Mr. Adam went out to him, and that is all that I can speak as to this note, of my own knowledge.

Do you mean to state, that the suspicion which you had heard of, respecting this note, was an expression of the D. of Y. respecting a forgery? Certainly.

How do you know that this is the same note to which the D. of Y. alluded? I really do not know any thing about it, I never heard of any other note.

Have you ever heard of that note from that time to this? Yes, I have. In continuation of what passed on Sunday, I think, I may state that I went the next day, the Monday or Tuesday, to the Chancellor of the Exchequer, and I had further conversation upon this very note, but I think merely recapitulation of what I have already stated to this committee.

Have you had any other conversation about this note since that time, with any person? I have carefully avoided any conversation upon it; but I think the other evening, three or four evenings ago, waiting in the room above stairs with col. Hamilton, some conversation, very general, arose upon the subject of this note; but it was so very general, so very loose, (for, as I have mentioned before, I carefully avoided interfering in it) that I can only bring to my recollection that some conversation did arise.

Have you had any conversation whatever, respecting that note, but this which you have mentioned? I think I mentioned the subject in strict confidence to gen. Alexander Hope, and also to gen. Brownrigg, perhaps to Mr. W. Harrison, with whom I communicate confidentially; beyond that, I do not think that I have.

What was it that you stated to those gentlemen? I must have stated to them pretty nearly the very same words that I have stated to this committee, as nearly as I can recollect, nor more nor less.

Did you see any copy of this note? Yes, I did.

When was that?—I think it was the same evening that the D. of Y. and Mr. Adam called upon me.

In whose possession was it, Mr. Adam's, or the D. of Y.'s? I think it was in the possession of Mr. Adam.

Have you had any conversation with the D. of Y. upon that subject since that evening? Yes, I have.

When was that? I have had frequent conversations with him upon it.

Detail those conversations as nearly as you can? I think a detail of those conversations would be little more than repetition of the D. of Y.'s assertion, that he thought the thing was a forgery.

When was the last conversation you had with the D. of Y. upon that subject? I will repeat the last conversation, I think, which took place this morning about half past ten o'clock, when I went to the D. of Y. at my usual hour of business; the first word the D. of Y. said to me this morning was, 'As you are to be called upon to answer certain questions in the house this night, I will not speak to you one word upon the subject.' I said, Sir, 'I have been told that I am summoned to speak upon the subject of the Note, to prove the hand-writing, there therefore can be no difficulty upon the part of your royal highness in making any communication to me that you think fit, as usual.' The D. of Y. I think, said, I can only state what I have stated to you before, I have no knowledge of the thing, and I believe it to be a forgery.

Was that likewise the substance of the other frequent conversations you have had with the D. of Y. upon this subject? Certainly the substance; and, as nearly as I can recollect, the words.

[The Witness was directed to withdraw.

Mr. ANDREW DICKIE was called in and examined.

(By the Chancellor of the Exchequer.)

You are a Clerk at Messrs. Coutts's.—I am.

Did you ever see h. r. h. the Duke of York write? I have seen him sign his name many times, "Frederick."

Did you ever see him write any thing beyond his name? I have seen him frank a letter.

[The two letters being shewn to the Witness] Do you think yourself sufficiently acquainted with h. r. h.'s hand, to be able to form any satisfactory opinion upon the letters shewn to you? It bears a similarity; but without the signature being to it, I cannot speak to its being h. r. h.'s hand-writing.

Major General ALEX. HOPE, a member of the house, attending in his place; the short Note was shewn to him, and he was examined.

(By the Chancellor of the Exchequer.)

Have you observed that note? I have; it appears to me like the hand-writing of the D. of York; but to state whether it really is or is not, is what I cannot undertake to say.

[The letter dated Sandgate being shewn to general Hope] I apply the same answer to that as to the note, only that I certainly should say that I could speak more positively, I think, to that than to the note; but I must always qualify what I say, that it is a shade of difference only, I could not say positively that it is or is not; but certainly the letter appears to strike my mind more forcibly as the hand-writing of the Duke of York than the note. [The other letter being shewn to general Hope] I make the same answer as to the second letter.

(By Mr. Western.)

Does that shade of difference, which you state, give you a degree of belief that the letters are the hand-writing of the D. of Y. preferably to that of the note, arise from the quantity of writing there is in the letter, or from any difference in the hand-writing of the note and the letter?—I think it very possible it may arise from the quantity of the writing; it strikes me it seems more like the writing of h. r. h.'s; I do not feel able, certainly, to state the comparison between the characters of the note and letters; I spoke from a general impression, as it struck my eye.

General BROWNRIGG was again called in, and examined as follows:

(By Mr. Grenfell.)

If you had not been in the house of commons last night, should you have had any doubt of that short note being the Duke of York's hand-writing? I certainly should, because I do not think that it is very like the Duke's writing.

[The Witness was directed to withdraw.

WILLIAM ADAM, esq. attending in his place, a Note was shewn to him, and he was examined.

(By the Chancellor of the Exchequer.)

What is your opinion of the hand-writing of that note? I think it is like the Duke of York's hand-writing; but I cannot positively say more than that. [The letters being shewn to Mr. Adam] The letter, dated Sandgate, is, in my opinion, in the hand-writing of the D. of Y.; I entertain the same opinion with regard to this letter, dated from Weymouth, as with respect to the last.

Do you mean that you speak more positively to the letters than you do to the note? I do.

(By Mr. Western.)

Have you ever been told by the D. of Y. that the note at which you first looked was a forgery? Col. Gordon, in his testimony upon that subject, has given a very correct description of what I heard the D. of Y. say.

Did the Duke of York represent to you that note in the same light in which he represented it to col. Gordon, namely that it was a forgery? When I first made the communication to the D. of Y. on Saturday evening the 4th February, he declared without hesitation that he had no recollection whatever of such a note, and that it must be a forgery. When I went with him to Mr. Perceval's that evening, he made an asseveration precisely to the same effect; and afterwards when I went from Mr. Perceval's to col. Gordon's, he made the asseveration at col. Gordon's, which col. Gordon has already given in evidence.

(By Lord Folkestone.)

Are those the only occasions on which the D. of Y. has informed you that that note was a forgery? Of course, I have had repeated conversations with his royal highness upon the matter now depending before the house, and in the course of those conversations, without being able to specify the particular time, h. r. h. has held the same language.

You have stated, that you thought the writing of the note was like the writing of the D. of Y.; do you perceive in the formation of the character of that note, any thing unlike the writing of the D. of York? I cannot say that in the formation of the character, I perceive any thing unlike the writing of the D. of Y.; but from the shortness of the note, and from there not being a possibility of correcting judgment with respect to hand-writing, by the general appearance of it, which takes place in a long letter, I am incapable of speaking with the same positiveness with respect to that, as with respect to the letters.

Mr. ANDREW DICKIE was again called in, and examined.

(By Mr. J. Smith.)

What situation do you hold in Messrs. Coutts' house. ? Principal clerk.

Are you not, or were you not in the habit lately of accepting bills for that house? I have been for a considerable time.

Are you not therefore in the habit of observing with great attention upon the hand-writing of individuals who are connected with Messrs. Coutts and Company ? I am in general, but there is a clerk in our house who is more conversant in the signatures of the different customers, who examines the signatures before the bills are brought to me to accept.

Is it not occasionally your business to ascertain the genuineness of hand-writing.? No.

Have you ever seen any draft filled up as well as signed, by the Commander in Chief? I have seen drafts signed by the Commander in Chief, but as to the filling up, I cannot pretend to say.

[The Note and the Letters being shewn to the Witness.] Do you see any difference in the hand-writing of that note and those two letters, and if you do, what is that difference? There seems a little difference in the note; it strikes me that it is not so like the Duke's, I think, as the others.

Explain in what that difference consists. Being smaller, and not like the others in point of letter-writing.

(By Mr. W. Smith.)

Did you put in the words " not so like the Duke's?" What I meant by that is this; two letters were laid before me, and I am asked whether I conceive them to be the Duke's writing or not; I conceive the note not to be so much like.

Did you insert the words " not so like the " Duke's?" I beg to alter that; not so like as those two letters which were shewn to me, purporting to be the Duke's.

Have you not stated, that you had never seen so much even as a draft filled up by the Duke? To my knowledge, I have seen h. r. h.'s signature, but I never saw h. r. h. fill up a draft; but I am not the cashier of Messrs. Coutts's house.

Do you conceive yourself competent to say, except in the article of signature, whether the letter is like the Duke's hand-writing or not? I am not sufficiently conversant in h, r. h.'s letter hand-writing.

[The Witness was directed to withdraw.]

Mr. BENJAMIN TOWN was called in, and examined.

(By the Chancellor of the Exchequer.)

Where do you live? In Bond-street.

In what business are you? An artist.

In what line? A velvet painter.

Are you acquainted with Mrs. Clarke? Yes.

Were you acquainted with her when she lived in Gloucester-place? Yes.

Do you ever recollect having heard her say any thing respecting hand-writing? Yes.

Upon what occasion, and what was it that she said? In the course of conversation she observed she could forge the Duke's name, and she had done it, and she shewed it me upon a piece of blank paper, and I could not tell the difference between the Duke's and her own.

What led her to make this observation? That I cannot recollect.

What was your business with her at the time of this conversation? I gave her a lesson that morning in the art of painting.

Have you attended her for any time, to teach her the art of painting? Yes.

Did the observation at all arise out of the painting and the lesson that you were giving? I do not rightly comprehend you.

Did the observation she made to you arise out of the subject that was before you, the lesson you were giving? No, there was writing on the table, some papers.

What led her to make that observation? That I cannot recollect.

Was that all that she said? That was all.

Did you ever see her imitating any hand-writing? None but that that I have mentioned before; she shewed me the Duke's writing, which she said it was; I cannot say whether it was or not.

Did she imitate it in your presence? She did.

Had she been drawing at that time? Yes.

Did she say any thing about her proficiency in the art? No.

Do you mean that she only introduced the observation, that she could forge the D. of Y.'s hand-writing, and immediately imitated it in your presence? She did.

Did you make any observation upon it? Yes.

What observation did you make? That it was a serious matter.

What did she say upon that, or did she say any thing? She laughed.

Did she say any thing? She did not.

(By Sir Thomas Turton.)

You say Mrs. C. produced the signature of h. r. h. the D. of Y.; did you ever see any where else the signature of the D. of Y.? No.

Was the signature at the bottom of a letter, or was it by itself? That which was shewn for the Duke's was on a square piece of paper; what it was I cannot say that was written.

Did you read any part of that writing? I did not.

Are you sure that the signature which you state to be the signature of the D. of Y. was not written by Mrs. C.? It was shewn to me for the Duke's, I cannot say whether she wrote it or not.

(By Lord Folkestone.)

What was the word or words which you believe to be the Duke's signature, which Mrs. C. imitated? She observed that the Duke signed his name three ways, Frederick, York, and Albany; and which of the three I cannot positively say, it was one of those three I am certain.

You are not certain whether it was Frederick, whether it was York, or whether it was Albany? I cannot positively say, but it was one of them.

(By Mr. Sumner.)

What branch of painting do you profess to teach? Flowers, landscape, figures, and fruit.

In your instructions to your pupils, do you ever teach them to draw letters in any particular way, with flourishes and flowers, or any thing of that kind? Yes, I do.

Should you know the writing, if you were to see it, which resembled that which Mrs. C. wrote in imitation of the D. of Y.'s? No, I should not. The one that she copied from, the one that she shewed me, that she said was the Duke's, I should know if I was to see it.

Did Mrs. C. state that she could imitate the D. of Y.'s signature only, or his hand-writing in general? She only observed his signature.

(By Mr. Barham.)

From the attention to formation of letters in regard to your art, you probably can speak to what sort of hand it was that was shewn to you as the D. of Y.'s; was it a small hand, or large one? It was a small hand.

Was it a flourishing hand, or a plain one? A plain hand.

You mentioned, I think, that Mrs. C. told you she could imitate the D. of Y.'s hand-writing? She did, and she shewed it me on a square piece of paper.

The word was "imitate?" No, "forge."

Were you much in the confidence of Mrs. C.? No.

You were not at all in the confidence of Mrs. C. when she shewed you how she could forge the Duke's hand? No.

(By the Chancellor of the Exchequer.)

To whom did you first communicate this fact, of having heard Mrs. C. make use of these expressions? Lady Haggerstone.

At what time? She was taking a lesson.

How long ago? I look upon it to be about three weeks, or more; I cannot say to the time positively; I look upon it to be three weeks, or rather better.

Had any body applied to you, to ask whether you could give this information, or did you, of your own accord, voluntarily mention it first to lady Haggerstone? It was in the course of conversation; she was observing one thing and the other, and she brought up the Duke's affair, the business concerning the Duke; and I suppose lady Haggerstone had mentioned it somewhere, and therefore I was called up to give evidence.

Is it the impression upon your mind, that Mrs. C. had great facility in imitating hand-writing? Yes, the Duke's hand, that that was shewn to me for the Duke's.

You have said, that in your presence, Mrs. C. upon a piece of paper, copied the signature, as you supposed, of the D. of Y. which was so exactly similar, that you could not tell the difference; do you mean to say, you conceived Mrs. C. was equal to imitating hand-writings with great ease? She copied that extremely well, as I thought; I never saw her copy any other writing.

(By Mr. Bathurst.)

How long is it since you gave any lesson to Mrs. C. the last time? I cannot say, without referring to my book.

Did you and she part on good terms? She is in my debt.

Was there ever any quarrel or animosity between you upon any subject? None whatever.

Did you never question her about paying your debt? Yes.

Had you ever any dispute upon that subject? None whatever.

Has she paid you all that is due to you? No.

Had you any conversation with Mrs. C. about a loan of money? Yes.

State the substance of that conversation to the committee. She said the Duke wished a sum of money; she begged of me to inquire of Mr. Abraham Goldsmid, if he would; he said he was no money-lender.

Did you ever say that a person of the name of Jew King was to lend him money? She requested of me to go to Jew King.

[The Witness was directed to withdraw.]

Mr. JAMES BREWER was called in, and a Letter being shewn to the Witness, he was examined.

(By Earl Temple.)

Do you know that to be the hand-writing of lieut. col. John Tucker? It is.

You have seen him write? Very frequently.

[A letter from Colonel Tucker to the Chairman of the Committee was read.]

Adjutant General's office,
(Public.) Edinburgh, Feb. 12, 1809.

"Sir; Having perceived, with considerable "regret, that the name of my lamented brother, who was lately lost in his Majesty's "sloop Primrose, has been brought forward by "Mrs. Clarke, in her examination before the "honourable House of Commons, I trust you "will excuse my addressing you, with a view "to remove any impression from the public, "that either *he* or *myself* have obtained our "promotion, at any time, through the means "of *undue* or *improper influence*; for which "purpose I hope I may be permitted to state "*facts* without incurring the imputation of "presumption or vanity. My brother's military career was commenced in 1790 in India, "where he served during the campaign of "marquis Cornwallis in that country. He subsequently served in Egypt, as major of brigade to lt. general sir David Baird, through "whose friendship and good opinion he obtained the *brevet rank* which he held in the "service: that of *major* was conferred upon "him in consequence of his situation as *deputy adjutant general* to the forces employed "under sir David Baird, at the capture of the "Cape of Good Hope; and that of lieutenant-colonel was obtained for him by the same "excellent officer, on their return from the "Cape. He had obtained an *effective majority* "a few weeks prior to his melancholy and lamented fate, having served as *assistant adjutant general* in *Zealand*, and as *deputy adjutant general* to the army under sir Arthur "Wellesley in Portugal.

"Of his merits as an officer, many distinguished members of the honourable house "are able to speak; and, I doubt not, will do "justice to his memory and character.

"With respect to my own promotion, I can "solemnly declare, that I have obtained it *in regular regimental succession, by purchase,* "with the exception of my *ensigncy and lieutenancy*, which were given to me, and the "*brevet rank* of *lieut. colonel*, which I received, "in consequence of having been selected by "sir Samuel Auchmuty, to be the bearer of his "dispatches, announcing the reduction of "Monte Video, in South America, by assault, "on the 3d of February, 1807. I have had "the honour of serving, as a volunteer, on "several expeditions, and I feel confident *that I have used every endeavour* to merit the "favours which my gracious sovereign has "deigned to confer upon me.

"I feel it *due* to my deceased brother, and "to myself, to make this communication to "you, being solicitous that my *brother officers* "may *not* be induced to believe, from the declaration of Mrs. Clarke, that any *undue* or "*improper* influence has, in the least degree, "tended to procure rank to either: and, as "my feelings are naturally interested on this "unpleasant subject, I earnestly request that "you will have the goodness to cause this "statement to be made *as public as possible.* "Trusting to your liberality, I have the honour "to be, Sir, Your most obedient and humble "servant, JOHN G. P. TUCKER, Lt. Colonel.

"To the Honourable the Chairman
of the Committee, &c. &c."

The *Chancellor of the Exchequer* rose, before the Committee should proceed to the examination of the Letters which had been submitted to a Committee last night, to make a statement, which would serve as an answer to a question put on a former night by an hon. member of that House. The question referred to the expence which the D. of Y. had incurred for the maintenance of the establishment for Mrs. C. in Gloucester-place. As far as he was enabled to inquire, no accurate account could be made out of the total amount of that expenditure. There were many items, however, capable of distinct proof, which he had been enabled to collect, the aggregate of which would give the Committee some adequate idea of the actual state of the case. Besides what had been expended for the house and furniture, &c. it had been ascertained, by a reference to his royal highness's banker's books, that a sum of 5,570*l.* had been paid by drafts for the support of that establishment. He was also authorized to state, that his royal highness had at various times given to Mrs. C. divers additional sums, which he had at present no means of ascertaining, though of considerable amount. No one payment had been paid in Mrs. C.'s name during the whole continuance of her living under the protection of his royal highness. With regard to the drafts upon the banker, that point might be proved by evidence at the bar, or before a select committee if the Committee should be of opinion that it should be gone into: it would appear, from the evidence of the servant who was uniformly employed to take the drafts to the bank, and who, when he brought back the money to his royal highness, uniformly waited till his royal highness made it up in packages, or under covers, to be sent by the same servant to Mrs. C.'s house. With respect to the other sums paid by his royal highness on account of that establishment, they could easily be ascertained from the books of the various tradesmen, and other persons who supplied the furniture, jewels, plate, that had already been so often mentioned in that House, and wine. The whole sum paid from Jan. 1804 to May 1806, was 16,761*l.* If the Committee had a wish to go into the question, he was prepared to bring evidence to the bar to prove the statement. (A cry of No! No!) So far he was authorized to state, and he trusted that it would be a satisfactory answer to the question put to him by an hon. member on a former night, and remove any unfavourable impression that might have arisen from the supposition that only 1,000*l.* a year was allowed, as stated by the witness at the bar, for the support of the establishment in Gloucester-place.

Mr. *Cripps* returned thanks to the right hon. gent. for the attention which he had paid to the question put by him on a former night. Every gentleman must be convinced, that whatever might be the result of this investigation, it was desirable to obviate, if possible, at the outset, the effect of the impression, which might be made by an erroneous representation of the state of the case. First impressions were generally strongest, and it was with a view to prevent the effect of an erroneous impression, that he had put the question he did on a former night. The answer of the right. hon. gent. was as specific as it well could be. As he was upon his legs, he should observe, that however this inquiry might terminate, the D. of Y. would have one consolation arising from it; because, without the opportunity afforded by it, the unparalleled regularity with which the business of the army was conducted at the Horse Guards, as detailed in the evidence of colonel Gordon, would not have been given to the public.

Mr. *Creevey* wished to know whether the sum of 5,570*l.* was over and above her allowance of 1,000*l.* a year, which the Duke of York agreed to pay Mrs. C.

The *Chancellor of the Exchequer* replied, that that sum included all the sums paid by drafts on his royal highness's banker for Mrs. C.'s establishment. As to the other sums which had been paid on the same account, as no memorandums respecting them were to be found, they, of course, were not comprehended in the sum stated; but he apprehended that the 1,000*l.* a year must be included.

Mr. *Beresford* observed, that this was one of the most serious inquiries that had ever been carried on before parliament, or the public. It was not only the impression it made on that house, but on the city and the country in general that was to be considered. It was in vain for them to shut their eyes to any part of the cause, and suppose that thereby they would shut the eyes of the nation. It was competent to any member of the Committee to state what he heard in every part of the town upon the subject, from persons of strong sense and sound judgment. The impression was—(A loud cry of Order! order!)

The *Chairman* observed, that he understood the hon. member to have risen to put a question to the right hon. gent. on the floor; otherwise he was out of order.

Mr. *Beresford* said, that he had intended to conclude what he had to say with a question; but as he was not suffered to go on, he should put his question—"Do you know that the D. of Y. did pay any and what sum towards keeping the house in Gloucester-place for Mrs. C., in addition to the 1,000*l.* per annum?"

The *Chancellor of the Exchequer* replied, that he knew nothing of the allowance of 1,000*l.* a year, but from the witness at the bar. He never knew any thing of it from his royal highness. What he had stated, he had taken from a paper which he had in his hand, and which was an account of drafts paid to Messrs. Orramin, Lucas, and Co. for the establishment at Gloucester-place, from January 1804 to May 1806.

Lord *Henry Petty* rose to order. He had understood it to be the rule of the Committee, that each witness should answer only to facts within his own knowledge, from which rule the statement of the right hon. gent. was a departure.

The *Chancellor of the Exchequer* replied, that he had only answered to a question put; and however irregular that question might be, an objection to it would come with propriety from any other quarter.

Mr. *Whitbread* admitted, that the right hon. gent. was not to blame, but insisted, that it was impossible to place his statement upon the Minutes.

Mr. *Fuller* insisted that the statement must be placed some where or other. An honourable member had put a question, whether no more than 1000*l.* had been allowed for the establishment in Gloucester-place, leaving it to be inferred, that the rest was to be supplied by sinister means. When the Chancellor of the Exchequer, or any common member like himself, came forward with a statement to do away with such an impression, it ought to be placed upon the Minutes, and no honest man could object to it. (Loud cries of Order, order!)

Mr. *Cripps* declared that he had been misunderstood by the hon. gent., as he had put the question in order to obviate any such impression as that alluded to by the hon. gentleman.

Mr. *Fuller*. Then, sir, any answer to your question is sufficient. (Order, order, order!). Any answer to your question—(Order, order, order!) Any answer to your question is sufficient. (Loud cries of Order, order, order!). Why am I out of order? Why am I out of order? Why not give an opportunity of making known the answers through the same medium as the question?

Mr. *Beresford* stated, that his wish had been, when he rose before, to move that the statement of the Chancellor of the

Exchequer should be placed on the Minutes; as they were the only true representation of their proceedings.

Lord *Folkestone* rose to ask a question of the Chancellor of the Exchequer, but was called to order by

Mr. Secretary *Canning*, who objected to any examination of his right hon. friend, because he had not stood forward as a witness, but merely produced a statement in answer to a question which had been put to him.

Lord *Folkestone* had not meant to examine the right hon. gent., though he saw no reason why he should not, if necessary, be examined as well as any other member of the Committee. The noble lord then put a question respecting the amount of some drafts, and the times at which they were drawn, to which the Chancellor of the Exchequer replied, in sums of 200*l.* and 150*l.* each; and between January, 1804, and May, 1806.

Sir *G. Warrender* thought that the course suggested by the right hon. gent., of referring the matter to a select Committee, would have been the wisest.

Earl *Temple*, in this protracted investigation, deprecated any proceeding, such as the appointment of a select Committee, which would protract it still more.

Mr. *Fuller*. What would the house or the public wish for more, than that 16,000*l.* should be spent in two years on such a baggage as this.—(Loud and incessant laughter, intermixed with cries of Order!) For his part he thought it might have been seen from the shuffling way in which she answered the first six questions put to her, that they ought not to have proceeded with this silly and foolish inquiry.—(Order, order!)—The hon. gent. protested, for some time, against the cry, but was at length compelled to sit down.

A Member observed, that the impression made by the statement of the Chancellor of the Exchequer, was, that the 5,000*l.* were in addition to the 16,000*l.* mentioned by the right hon. gentleman.

The *Chancellor of the Exchequer* stated, that the 5,570*l.* were included in the total sum of 16,761*l.*

Sir *G. Warrender* wished to know whether 16,000*l.* was the utmost limit of the expence gone to by h. r. h. on that occasion.

Mr. Secretary *Canning* stated, that when his right hon. friend mentioned that sum, it was only to negative the statement which had been made by the witness (Mrs. Clarke), and which had gone very far abroad, that the Duke did not allow her more than 3,000*l.* in three years. The object, however, of the statement was by no means to ascertain what had really been paid, but merely to negative an erroneous statement which had made some impression.

The *Chancellor of the Exchequer* said, that the only reason why he doubted whether those papers ought to be referred to a Committee, was, that it would be very difficult to bring the matter to any thing like legal proof. All the proof that there could be of the payment of the 5,570*l.* could only be, that such sums had been paid by the Duke's bankers, and that packets had afterwards been sent by the D. of Y. to Mrs. C. Whether those packets did or did not contain the sums stated, as having been received from the bankers, could only appear by the asseverations of the D. of Y. As that was not legal proof, he doubted the propriety of leaving the papers to a Committee.

After some desultory conversation, it was resolved, that the letters taken at capt. Sandon's lodgings, should, when proved, be read in evidence.

The *Chancellor of the Exchequer* observed, that it would be better not to permit the witness (Mrs. C.), who was to prove the hand-writing, to read the contents of the letters. It often happened that witnesses chose to read the letters before they would acknowledge their hand-writing, and that at least prepared them for the examination which was to follow.

It appeared to be the sense of the Committee, that the Chairman should admonish Mrs. C., that she was not to read the letters produced to her, but simply to state, upon looking at them, whether or not they were her hand-writing.

Mrs. MARY ANN CLARKE was called in; and was informed by the Chairman, that when any letters were put into her hand to ascertain her own hand-writing, she was not to read the contents of those letters.

This is my hand-writing (No. 1.) [Mrs. C. identified other letters, numbered to 41.]

Mrs. *Clarke*. No. 42 is a piece of the D. of Y.'s letter which had come from Dover with his seal upon it; it is directed "George Farquhar," and has the same sort of seal as the note that capt. Sandon had here last night.

[The papers from No. 1 to 42 inclusive, were read.] See page 763.

Captain HUXLEY SANDON was brought to the Bar, in the custody of the Serjeant at Arms, and was examined.

(By Lord Folkestone.)

State to the committee from what motive you, when you were the first time examined about the business of major Tonyn, did not mention the note which you produced last night? I really am extremely ashamed of myself that I did not; and I hope the hon. house will pardon me.

What motive had you for not mentioning that note, when you were first examined at the bar? I really had no motive.

Were you aware that it was a material circumstance to the point on which you were examined? Certainly it was.

Were you not aware that you were bound to give such information as was within your knowledge respecting that fact? I did not understand that I was obliged to give it; I thought if the question was asked me, I was obliged to answer it.

State the reason why you did not mention it on your first examination.—I really do not know how to answer the question.

Why, when you were asked about this note, did you deny knowing what was become of it? At that period the note was mislaid.

Last night did you not know what was become of the note? Not till I went home; it was mislaid.

[The Committee seemed indignant at an answer so contrary to what he gave on the preceding night, and the prisoner was ordered to withdraw.]

Mr. *Fremantle* thought, that if capt. Sandon was to be examined any further, the Chairman ought to admonish him, that the House could inflict still farther punishment upon him if he continued to prevaricate.

This appeared to be the sense of the Committee, and when the prisoner was again brought in,

The *Chairman* addressed him to the following effect:

"Captain Huxley Sandon; I am instructed by the Committee to remind you of the heavy punishment which has been inflicted upon you for gross prevarication, under the infliction of which you are still labouring; and to inform you, that if you persevere in the same system of gross prevarication, you have not yet experienced all the punishment which can be inflicted upon you by the justice of the house of commons."

Captain *Huxley Sandon.*—Mr. Chairman; I really do not mean to prevaricate; I am very sorry this hon. house has that idea; I will speak every thing I know; it is my wish, I assure you, not to prevaricate; I will tell every thing I can possibly know.

(By Mr. Whitbread.)

Do you recollect any conversation which you held with col. Hamilton somewhere in London, since your return to London, when you informed col. Hamilton that the note was destroyed, wherein you used this expression, "they have forgot it" or "forgotten them?" Not upon my recollection, upon my honour; I will certainly say every thing I know; it is my wish and my inclination.

Do you recollect any conversation which you held with col. Hamilton somewhere in London, since your return to London, when you informed col. Hamilton that the note was destroyed, wherein you used this expression, "they have forgot it" or "forgotten them?" No; I never made use of that expression.

(By Sir George Warrender.)

Was it with a view to any emolument or advantage to be derived from the possession of that letter, that you concealed it? No; certainly not.

What was the motive which induced you to conceal that letter from the house, till, by the punishment of the house being inflicted upon you, you, by the fear of that punishment, were induced to produce it? I had no particular motive for keeping back that letter.

Do you then mean to state, that without any direct motive for so doing, you told a deliberate falsehood at the bar? I am sorry to say that I did.

Did you or did you not, at the time of your examination here last night, think that that note was of importance? Certainly I did.

In what way did you think that note of importance? Because it was the note that I presented to major Tonyn, which convinced him that it was the interest I had with Mrs. C. that got him the majority.

Did you know, of your own knowledge, the hand-writing of that note? I never saw the hand-writing, to my knowledge, before.

Did major Tonyn seem to know the hand-writing, or did he make any observation upon the note, and what? I do not recollect that he did; I shewed him the note, and at that period he said, then the matter might stand over for two or three gazette days, or a gazette day or two.

State why it was of importance to you to conceal that letter.—I had no particular reason why I concealed it.

Did col. Hamilton, when you shewed him that note, tell you it was the hand-writing of h. r. h. the D. of York? No, he did not.

What remark did col. Hamilton make upon that note, when you shewed it to him? Previous to my shewing him the note, I told him that I understood it was h. r. h.'s hand-writing; he asked me what kind of hand it was, whether it was a neat little hand, and whether the large T's were made in a particular way, turning over; and when I shewed him the note, I asked him, Do you think it is h. r. h.'s hand-writing? he made me no answer.

Did you apprehend any danger or inconvenience to yourself, from acknowledging that the note was in your possession? No, I did not.

[The witness was taken from the bar.]

Mr. *W. Smith* then said, he hoped that capt. Sandon would not be brought again to the bar to give evidence. He had so completely disqualified himself from any sort of credit, that he thought it would be worse than wasting time to ask him any more questions.

The *Chancellor of the Exchequer* said, he by no means differed with the hon. gent. who spoke last, as to the credibility of the witness alluded to; but he could wish that he might be permitted to appear once more at the bar, as it might be in his power to give some clue, or throw some light, on the papers which had been so recently put under the consideration of the house, in consequence of his prevarication, and the measures adopted thereon.

Mr. *Wardle* said he wished to obtain the attention of the house to a few observations he was desirous to offer to their attention. It would easily be recollected with what a pompous display of eloquence the right hon. gent. had, on their last meeting, ushered in the statement he had made of a circumstance which he had till then purposely kept back, and which he had then thought proper to bring forward, in an attack upon him, founded on an accusation of his having been guilty of a suppression of evidence. Many and repeated had been the attacks which had been made against him from various quarters since the commencement of this inquiry, and he had endeavoured to treat them all with the indifference which was due to them. That attack, however, which had been made on him by the right hon. gent. in the course of the last night's proceedings, was of a more serious nature than any of the rest, and he would own that he really felt it as most harshly and most unjustly imputed to him. He had deemed it his first and paramount duty, in the prosecution of this inquiry, to carry it on in such a manner as was most likely to attain the ends of public justice, which was solely and entirely the object aimed at, and with that view had refrained from attending to the various and violent attacks which had been made, and the broad insinuations which had been thrown out against him. A time, however, would shortly arrive when he should have an opportunity of answering and repelling those attacks, and of shewing that he had been actuated only by what he thought a due discharge of his duty to his country as an independent member of parliament. Conscious, as he was, of having fulfilled that duty to the utmost of his power, he should content himself for the present with the observations which he had thus thought it incumbent on him to make upon the subject.

The *Chancellor of the Exchequer* said, he rose for the purpose of saying a few words, in answer to an address to the Committee from the hon. gent. who had just sat down, which to him appeared the most surprising he had ever heard in that house. He appealed to the recollection of the whole Committee, and even to the hon. gent. himself, if he had not, from the commencement of the present inquiry, endeavoured to carry it on in such a manner as, in his mind, to avoid the possibility of such a charge as the hon. gent. had so unjustly brought against him. From the particular situation which he held in that house, he might have placed the conduct of this inquiry on other persons than himself; but in justice to the royal personage who was the subject of it—the son of the revered master whom he served—he thought it would be a more direct and a more striking proof of his respect for the good opinion of his sovereign, and of the public, as well as of that royal personage who now stood accused, to stand forward, and openly and fairly support and defend the innocence of the accused, than to put it into any other hands. In doing this, he had endeavoured to act with every degree of candour and openness; and if he could reasonably flatter himself with any part of his conduct being entitled to the approbation of the Committee, and free from misrepresentation or misunderstanding, it was precisely that which the hon. gent. had thought proper to select as the ground of his animadversion. As to the witness and prisoner who had just left the bar, and had proved himself unworthy of the smallest degree of credit, either from the Committee or any one else, he had never said a syllable which could be construed fairly as tending to support him. He did, indeed, say there had been a suppression of evidence, but he had not the most distant idea of imputing that to the hon. gent., or to Mrs. C., or to any other than himself. As to any attack which might have been made upon the hon. gent. in the course of this inquiry, he could only say there had been none from him; and he hoped, therefore, that whatever fault the hon. gent. might find with what he termed the pompous manner of his introducing the statement he had made to the house, he would do him the justice to exonerate him from a charge which, as he was perfectly conscious he had not deserved, he would be sorry should be attributed to him either by the Committee, the hon. gent., or the public.

Mr. *Whitbread* said he had distinctly understood the rt. hon. gent. in the statement he had made last night, to say expressly, that he meant not any thing against his hon. friend, but merely alluded to the witness who was the object of that statement. He could not avoid bestowing on the right hon. gent. his warmest praises for the very manly, open, and candid manner in which he had conducted himself through the whole of this inquiry. He was certain it must have been observed by the whole Committee, and wanted only the addition of his hon. friend's testimony, who had unquestionably misconceived him, to make it complete. He hoped, therefore, his hon. friend would reflect on what had passed, and he was sure he would come to a very different opinion on the subject to what he had so lately expressed.

Lord *H. Petty* coincided in opinion with his hon. friend who had just sat down, as to the open and candid conduct of the Chancellor of the Exchequer throughout the whole of the inquiry, which he thought deserving his warmest approbation, and of which he was sure a misconception only could have drawn to it the animadversion of the hon. gent., who had with equal candour brought forward these charges.

Mr. *Wardle* said, he had certainly felt otherwise the moment he delivered his sentiments; but from what had been said by his hon. friend and the noble lord who had just sat down, and since the very handsome explanation which the right hon. gent. had done him the honour to give upon the subject, he was very happy to say, that what had fallen from him so recently on that head was merely the effect of misunderstanding.

[The Witness was again brought to the bar, and examined.]

(*By the Chancellor of the Exchequer.*)

Have you any recollection how long it was before the appointment of major Tonyn appeared in the Gazette, that you shewed the note you received from Mrs. C. to major Tonyn? I think it might be two or three Gazette days; eight or nine or ten days.

Look at that paper, [No. 42.]—I know this paper.

How came that paper into your possession? It rolled up the note that I had to shew major Tonyn.

Was it in that state when you received it? Exactly in that state.

Had it no other writing upon it? No, nothing more; it rolled up the note I received from Mrs. C. to shew major Tonyn.

Do you recollect why Mrs. C. gave you that bit of paper to roll up the note? No, I cannot recollect why she did it: let me recollect why, there was some reason why it was given; I cannot positively take upon me to say what the reason was, but there was some reason why the note was rolled up in that piece of paper; there was some reason, which I cannot now really recollect.

Try if you can recollect it.—I cannot recollect; but I am perfectly sure there was some reason why she gave me the note rolled up in that bit of paper; I think, if my memory will bring me through, it was when the Duke was reviewing somewhere upon the coast, and it was to prove to major Tonyn, in some way or other, that that note was written by h. r. h.

Do you mean that the Duke was reviewing near the coast when you shewed this paper to major Tonyn? He was on the coast, I understood, at that period: she had received this letter, which she produced; I do not know whether she did not produce the letter, and read part of it to me, and then she tore off a piece, and rolled up the other, and said, this will convince him that this comes from h. r. h., who is now upon the coast.

How could that letter, not having upon it the Duke's name, convince any body that another letter that appeared to be in the same hand-writing was the Duke's? I really do not remember now; but that he was at Dover or in Kent, reviewing, at the period, I perfectly well recollect.

Do you not recollect that the D. of Y.'s name was upon the frank of the letter at the time it was produced to you? I never saw it.

Was there any thing respecting the seal that was to be observed? Not that I recollect.

Why should you give credit to that cover more than to the note? It is so long since, that I cannot recollect why, but that there was some reason I am certain.

(*By General Loftus.*)

Recollect yourself how you came to go to Mrs. C.'s on that day, whether by accident, intention, or solicitation.—I should think it was from solicitation.

In what room did you see Mrs. C.? I really cannot say; I used to see her in every room; such as the drawing-room, and the dining-room, and her little dressing-room.

Will you recollect whether any person was present? No, I do not recollect that circumstance.

On what business did you go there on that day? I think it was from her solicitation, that I might go to major Tonyn, to inform him that she had got this paper, or that I was to take the note and shew it to major Tonyn, it came from h. r. h. the D. of Y.; but there are some letters which I gave up to this hon. house, that I think mention something about that very business.

Did you state to Mrs. C., that major Tonyn wanted his security back again, or his money? That he wanted back his memorandum.

What contrivance was it between Mrs. C. and you to keep major Tonyn from recovering that memorandum? I know of no particular contrivance; she desired I would go to him, and speak about the majority.

Then the Committee is to understand, that you went there and had a conversation with Mrs. C., how to manage to keep major Tonyn in temper until this majority could be had, and that you found there a note, purporting to be a note from the Commander in Chief, ready written and sealed? I do not exactly recollect that circumstance; I have related previous to it how I came acquainted with major Tonyn; and when I had the honour of being introduced to major Tonyn, it was on the very demur, when he was tired of the business, and thought the influence I had could not get the matter done, and desired me to get back the security; the consequence was, I informed Mrs. C. of the subject.

And she had a note ready? No, I beg your pardon, not that I recollect, then.

The note was not ready? Not that I recollect.

Then if the note was not ready, how came you to bring it away with you? I do not recollect; she told me she had got a note, and shewed me this note, and desired me to take it to major Tonyn; I of course took it, and told him that it was the interest by which we would obtain the majority; I did not know at that time that was from the Commander in Chief; Mrs. C. gave me the note, and said that he had better wait two or three Gazette days, and in all probability he would be gazetted.

Did you find the note there, and was it sealed or not? When I first saw the note, it was not sealed; it was broken open, the seal was broken.

Was it re-sealed? Not in my presence.

Did you deliver it sealed to captain Tonyn? No, I took it in my hand, and shewed him the note.

Will you undertake to say that there never was a contrivance between yourself and Mrs. C., on any occasion of this kind, to fabricate such a note? Positively never.

You have stated that the Commander in Chief was reviewing on the coast when you received that note from Mrs. C.? So I understood from Mrs. C.

How long had h. r. h. been absent from town at that time? I really cannot say.

Had he been three days absent? I really do not know.

(*By Mr. Croker.*)

There are certain pencil marks and other marks of your's upon the papers which were laid upon the table last night; were those marks and dates the dates of the times that you received those papers? If you will do me the honour of letting me see the papers, I will say for what purpose I put them, to the best of my recollection.

[No. 9 was shewn to the witness.] On that you will find a pencil mark, "17th of August, "1804;" state what that pencil mark means.—This of course must be the date of it; here it is upon the post mark.

Was the pencil the date when you received it? No, it could not be, for here is "August "the 17th."

What is the meaning of this pencil mark? That must be from something of this sort, for here is 17th of August upon the post mark.

What is the meaning of that pencil mark? I suppose it must be the date of the letter.

Is not that pencil mark your hand-writing? I think it is, but the words "Mrs. Clarke" upon it, are not mine.

[No. 12 was shewn to the witness.] You will observe there is a pencil date upon that letter of the 8th of June, 1804; what does that pencil date mean, was it the day you received the letter? No, this must be wrong, because it is June 9th, and here is "June 8th," and June the 8th does not look like my handwriting; the word "majority" is mine.

Has that letter been out of your custody since the time you received it, till last night? No, certainly not.

Then is it possible any other person than yourself could have put that date to it? No, I should imagine not; but still it does not look like my handwriting.

Do you recollect the purport of the note? No, I entirely forget what it is.

[The Note was read.]

Hearing the purport of this note, state how this note, which mentions "a stop to the busi"ness," could possibly encourage major Tonyn in the idea of its going forward? The note says, does it not, that it is to go on?

On the contrary, it says it stops, "shall re"main as it is;" how can this note, which speaks of its remaining as it is, encourage this gentleman in the expectation of its going on? It was then going on, and I should imagine it was meant that it should go on.

If you attend to the purport of the note, you will find that it says it shall stand still; what do you understand by the expression in that note, that it is to remain as it is? I really do not understand it, I must confess.

Here there was so general and loud a call of Withdraw! withdraw! that no other questions or answers could be heard, and in a few minutes the messenger was ordered to take the prisoner from the bar.

The *Chancellor of the Exchequer* said,

before he moved that the Chairman should report progress, it was necessary to consider when he should ask leave to sit again. He had been in hopes that they would have been able to come to a conclusion in the course of the present sitting, but such a mass of fresh evidence had unexpectedly and suddenly come before the Committee, in consequence of searching capt. Huxley Sandon's bureau, in order to find the Note supposed to have been destroyed, and reported by the Select Committee to be referable to this inquiry, as would make it impossible to take it into consideration that night; he thought the Committee might meet on Monday, and that in the interim gentlemen might pause, or take extracts from those letters, and on that day ask leave to sit again at such time as might then be deemed most proper and convenient.

The Chairman then left the Chair, the house was resumed, the Chairman reported progress, and it was ordered that the Committee meet again on Monday.—Capt. Huxley Sandon was ordered to be remanded to Newgate.

The *Chancellor of the Exchequer* observed, that it would be necessary the letters he had just alluded to should be sealed, and placed in the custody of some proper person or persons. It seemed, however, difficult to fix in whose hands they should be left, so as to give the members of that house an opportunity of seeing them, and making such extracts as they might severally think proper to make.

The *Speaker* intimated, that the proper officer to take care of the Papers was the Clerk of the Journals and Papers, and he should be ordered to permit members of the house to peruse and make extracts from them, but no one else.

The *Chancellor of the Exchequer* said, that an observation had been recently made by an hon. gent., which appeared to him as highly important as any that had been made in the course of this examination, viz. That on a close inspection, the turn and texture of many of the letters in the Note of the D. of York was different from those of the other Letters said to be written by him. He could, therefore, wish that some other persons, such as those of the Bank or Post-office, who were in daily habits of examining different hand-writings for the purpose of detecting forgeries, might also be permitted to see them, and be called on for their opinions before the Committee: and to obviate any objection, it might be ordered that no such persons should be permitted to peruse them, but by an order from the Speaker.

Mr. *C. Wynn* thought it would be better that such inspection should take place at the bar, and then the Committee might see any impression, which surprize at the difference, if any should be found, might raise on the countenances of the witnesses.

Mr. *W. Smith* expressed his opinion that the observation alluded to by the right hon. gent., was highly important; but as it contained a most minute criticism, he thought an examination of the several letters at the bar, would be too brief and sudden for the gentlemen inspectors to form that decided judgment which was necessary. He should therefore prefer the proposition of the right hon. gent.

Lord *Folkestone* said, he was sorry this had not been mentioned sooner before the Committee, because he thought the more letters written by the D. of Y., which they had to compare with the Note, the better able they would be to form a decided opinion as to the difference. It had been proposed that Mrs. C. should produce a bundle of the Duke's letters which she had in her possession, but that not being agreed to at the time, there would not now be an opportunity of having an inspection of those letters along with the others.

Mr. *Mellish* said, he had carefully perused the note and the two letters, and on a comparison, perceived a great difference in the turn and formation of several of the letters, which made him doubt their being of the same hand-writing.

It was then ordered, that all the papers alluded to should be lodged in a box, and delivered into the custody of the clerk, and that they should remain in his custody, but that at particular hours, viz. from eleven to three, they should be shewn to members of the house, and to such other persons as should be authorised by an order of the Speaker.

HOUSE OF LORDS.

Monday, February 20.

[Militia Enlistment Bill.] The Earl of *Liverpool* moved the order of the day for the second reading of this bill. His lordship said it was unnecessary for him to take up much of the time of the house on the subject of the present bill. The principle of it had been fully discussed in the course of last session. Whatever difference of opinion might prevail respecting past events, there was one point on which they were all agreed, namely, that it would be necessary to keep up a large efficient force. The regular army at this moment consisted of upwards of 210,000 infantry and 27,000 cavalry. The infantry was disposed in 126 first battalions, averaging 902 men each, and 56 second battalions, of which the average was about 400 men each. The object of the bill on the table was to render these second battalions complete. To carry this into effect, it was deemed expedient to allow a certain proportion of the Militia to enlist into the regular army. This measure was resorted to in the last session, and had been found most effectual.

Viscount *Sidmouth* briefly reviewed the effects of the mode of recruiting the army, contained in the Bill before their lordships, since it was first adopted in 1799. At that period it was a measure of imperious necessity. The necessity, fortunately, was not so strong at this moment, though still sufficiently so, he must admit, to justify the present measure. He had many objections to the measure. Its object was to provide for the augmentation of the disposable force at the expence of the Militia. He could not approve of the practice of enlisting men for one species of service, and afterwards seducing them into another. He regretted that ministers had not availed themselves of the popular enthusiasm in favour of Spain to procure recruits for the army. Had they done so, he was persuaded the present measure would have been wholly unnecessary. However, as he heard of no other expedient from any quarter for keeping up the army to that efficient establishment which was universally admitted to be necessary, he would not, for that reason, and the extraordinary emergency of the moment, oppose the bill.

The bill was then read a second time.

HOUSE OF COMMONS.

Monday, February 20.

[Army Estimates.] On the motion of the Secretary at War the house went into a Committee of Supply, to which the Army Estimates for the current year were referred.

The *Secretary at War* observed, that notwithstanding the order of the house was given on Friday se'nnight, the Army Estimates had not been printed till this afternoon. As soon as he was acquainted with the circumstance, he pressed the printer as much as possible to expedite the business; but owing to the great mass of papers relating to the Inquiry into the Conduct of the Commander in Chief, it was not in his power to procure the Estimates sooner. However late they were ready, he trusted the house would have no objection to go into them to-day, as it would be a matter of great convenience to the regular army, the militia, and foreign corps.—Indeed, he could anticipate no objection, as the Estimates were nearly the same as those of last year, with the exception of 200,000*l.* arising from the actual increase of the establishment, which would be ascertained, by comparing the Estimates now offered with the last year's accounts. The establishment had stood very high last year, but, by this comparison, it would be seen, that it had now reached much nearer the complete number of effectives. The Militia was nearly in the same state, and the Foreign Corps had rather increased. Another cause of the increase on the Estimate, was, from the additional expence in some things, which had before been voted among the extraordinaries of the army, but which were now introduced into the regular accounts.—It had been recommended by the Commissioners of Military Inquiry, to put every possible annual account into the Estimate; and agreeing in the expediency of this mode, he had adopted their recommendation. The Estimate for the present year was also higher, on account of the last year's expences exceeding the Estimate of that year. Another nominal addition also appeared on the face of the Estimate, namely, that of the allowance of a second Lieutenant-Colonel in regiments of cavalry, who, though they had formerly been borne, yet never appeared in these calculations. With regard to the number of effectives, which had been brought up so near the establishment, he could not now give a certain account, owing to the return of men lost in the Spanish Campaign not having been deducted. As for the non-effectives which appeared on the Estimate, that was very necessary, as the recruiting service was solely provided for out of that fund. Before he moved the several Estimates, he begged leave to notice, that in the course of the present session he should have to propose some measure, for the benefit of Colonels of regiments, commensurate to the losses they sustained, in consequence of many late acts, which bore hard upon their accustomed profits.

General *Gascoyne* then explained the nature of these losses, and the hardship it was upon Colonels of regiments to pay at the rate of 35 per cent. as duties on necessaries exported for his majesty's service. From this, and other taxes upon their profits, they were now 60 per cent. less than they were formerly. He was glad therefore to hear from the Secretary at War, that in consequence of the Sixth Report of Military Inquiry, some relief was intended to be afforded them in the course of this Session.

The *Secretary at War* said, that he had only waited till the whole Reports of that Committee were brought forward, and would immediately proceed on this subject.

Mr. *Calcraft* would be glad to be informed what was the cause of the increase, he observed from the Estimate on the Public Department; and also how it happened after so many Volunteers had gone into the Local Militia, that the expence for that species of force was the same as last year.

The *Secretary at War* said, as there was no vote for either of these asked this day, it might perhaps be as well not to enter upon the subject, till it came regularly before them, when there would be sufficient opportunity for explanation.

Mr. *Long* observed, that although these matters were not absolutely before them, he would be happy to give the hon. gent. a short answer to his question relative to the Public Department, which was this year estimated at nearly 30,000*l.* more than it was last. This was not an increase of expence but of estimate. Agreeing with the Committee of Military Inquiry, and his right hon. friend the Secretary at War, that every expence which could be brought within the Annual Estimates ought to appear there, he had added to this the Contingencies of Deputies abroad, amounting to 15,000*l.*; Exchequer Fees 5,801*l.*; Deputies to the army under sir John Moore, that under general Spencer, and the deputies at Madeira and at Lisbon, making in all the amount of increase now charged.

The *Secretary at War* then moved: 1. "That a number of Land Forces, not exceeding 133,922 effective men, commissioned and non-commissioned officers included, be employed in the United Kingdom of Great Britain and Ireland, from the 25th of Dec. 1808 to the 24th of Dec. 1809.—2. That a sum, not exceeding 7,582,378*l.* 16*s.* 11*d.* be granted to his majesty, for defraying the Charge of his majesty's Land Forces at home and abroad (excepting the regiments in the East Indies, the foreign corps in British pay, and the embodied Militia) including the charge of pay and daily allowance of commissioned officers, non-commissioned officers, and private men, the charge of cloathing for non-commissioned officers and private men, the charge of agency, and the charge of annual allowances to be made to field officers, captains, and riding masters, and the extra allowance for farriery, as also certain Miscellaneous Charges on account of the said Forces, from the 25th of Dec. 1808 to the 24th of Dec. 1809.—3. That a sum, not exceeding 29,322*l.* 10*s.* be granted to his majesty, for defraying the charge of five troops of dragoons, and 15 companies of foot, stationed in Great Britain for the purpose of recruiting the corps serving in East India, from the 25th of Dec. 1808 to the 24th of Dec. 1809.—4. That a sum, not exceeding 3,048,647*l.* 19*s.* 5*d.* be granted to his majesty, for defraying the Charge of the Embodied Militia of the United Kingdom of Great Britain and Ireland, and of the Royal Corps of Miners of Devon and Cornwall, from the 25th of Dec. 1808 to the 24th of Dec. 1809.—5. That a sum not exceeding 933,654*l.* 6*s.* 10*d.* be granted to his majesty, for defraying the charge of Foreign Corps in the service of the United Kingdom of Great Britain and Ireland, from the 25th of Dec. 1808 to the 24th of Dec. 1809."

The Resolutions were severally agreed to, and the Chairman was ordered to report to-morrow.

[Conduct of the Duke of York.] Mr. Wardle moved the order of the day for going into a Committee for inquiring further into the Conduct of his royal highness the Duke of York.

Sir *Thomas Turton* wished, previously, to ask a question of the right hon. the Chancellor of the Exchequer, respecting the statement made by him the other day, relative to the sums of money that appeared to have been transmitted from h. r. h. to Mrs. Clarke. Many of these sums were very considerable; and, therefore, he wished to know whether the right hon. gent. meant to examine any evidence on the subject, in order to obviate any prejudices that might be entertained through the want of a more minute examination.

The *Chancellor of the Exchequer* answered, that when he made the statement a few days ago, he had mentioned to the Committee that the different tradesmen who had received sums of money from Mrs. C., were in attendance to prove the sums they had respectively received; and he at the same time stated, that if the house was disposed to go into a particular investigation upon the subject, it might be expedient to appoint a Select Committee for the purpose. He had also stated, that it would be impossible, he feared, to bring specific proofs of the actual conveyance of the money from h. r. h. to Mrs. C., as the messenger who conveyed it could only prove that he had brought the sums from the banker to h. r. h., and afterwards conveyed a number of separate parcels from h. r. h. to Mrs. C., but could not prove their contents. He regretted, if the house was disposed to adopt the plan of a Committee, that the interval had been lost. There had been a variety of opinions expressed on the subject, but no gentleman intimated any wish for the Select Committee at the time. If, however, the house was now disposed to adopt the committee, he had no objection.

Sir *T. Turton* said, he did not hear the right hon. gent. mention a committee; but he feared that the report of a Select Committee would not be satisfactory.

The *Chancellor of the Exchequer* was, however, of opinion that the report of a Select Committee on this subject, like other Select Committees, to whom particular points had been referred in the course of this Inquiry, would be satisfactory to the house, as the former reports had been. He had conversed with the members of the other committees, who acknowledged that every thing had been conducted, on both sides, with the utmost candour and fairness; and he therefore thought, that such a committee in the present case, composed more numerously, if deemed expedient, would much expedite the business, save the time of the house, and be perfectly satisfactory,

Sir *T. Turton* said he did not mean satisfactory to the house, but to the public; for his own part, he was perfectly satisfied on the subject, and had no doubts to remove; but he thought the evidence would with much better effect be examined at the bar.

Mr. *Abercrombie* rose to express his wish that a mis-statement, which appeared on the face of the Minutes of Evidence taken before the house, should be corrected. It related to the evidence of Mr. Greenwood, in the case of Mr. Elderton, who was appointed to a paymastership in consequence of his recommendation; but Mr. Greenwood was represented on the Minutes to have said, that subsequent to his first recommendation, he found upon inquiry that Mr. Elderton was a person unfit to be recommended, in consequence of which he forwarded a remonstrance to the D. of Y. upon the subject, but Mr. Elderton's appointment had taken place notwithstanding. Now, having himself some doubts as to the accuracy of the statement, he had appealed to Mr. Greenwood himself, whose authority he had for stating that the Minutes on this point were inaccurate; and he proposed to call Mr. Greenwood to the bar for re-examination, in order to correct the error.

The *Chancellor of the Exchequer* said, that the evidence of Mr. Greenwood had not stated his having made a subsequent communication to the D. of Y. after his first recommendation; but he stated that he found Mr. Elderton a person of improper character after his first representation, and that the appointment had taken place before his second representation reached the Duke.

Mr. *Charles Adams* wished to ask the right hon. gent. in which of the conferences stated by him to have taken place with different persons, in the transaction of the particular Note in question, he was informed of the suppression of that Note by Captain Sandon.

The *Chancellor of the Exchequer* said, he received his information from Col. Hamilton.

The house then went into the Committee. Mr. Wharton in the Chair.

The *Chairman* informed the Committee, that he had received a Letter from general Clavering, stating that there was a seeming inconsistency in his evidence, and expressing a wish that he might again be called before the Committee in order that he might explain it. [A cry of read! read!]

Earl *Temple* moved, that the Letter be read.

Sir *M. W. Ridley* spoke a few words in vindication of general Clavering, but in so low a tone, that we could not hear what he said.

The *Chancellor of the Exchequer* said, that if gen. Clavering wished to correct any thing which appeared to be inconsistent or contradictory in his evidence, let him be summoned, or let him attend if he was there; but he saw no reason why his Letter should be read.

Earl *Temple* answered, that as he understood gen. Clavering was then attending, he would, with the leave of the House, withdraw his motion.

Mr. Johnson was then called in as a witness.

Mr. *Whitbread* rose, and the witness was desired to withdraw. The hon. gent. then said he apprehended the Committee had already examined several persons who were deemed the most competent to know the D. of York's hand-writing. It would seem, from what he had been given to understand, that this gent., who was then produced as a witness, knew nothing of the writing of his royal highness; and it appeared to him somewhat extraordinary that the Committee should now resort to an evidence not nearly so strong as that of those witnesses who had already been examined. Such a rule as that which the Committee was now about to pursue had once obtained, he believed, in courts of justice, in cases of capital offences, but it had for some time been discontinued. If that were really the case, he begged the house to consider seriously what must be the effect of calling this witness before they agreed to admit him to the bar; for, however inclined they might be, to give every indulgence in their power to the royal personage who was accused, yet they should well weigh in their minds whether any person would, if standing before them on the same or similar charges, be allowed an equal degree of favour. In his opinion, they had given latitude to col. Gordon, in permitting him to take a paper from his pocket, and compare it with the Note which he was called upon to say, whether it was, in his opinion, the Duke of York's hand-writing; yet almost immediately afterwards 40 letters were shewn to Mrs. C., and she was told that she must not read any one or any part of any one of them; but must, from merely viewing the signature, say positively whether they were her's or not. It would seem rather hard that she should not have been allowed to see whether any alterations or interpolations had been made in any of them, but from solely the name at the bottom, should be obliged to allow they were her's. He knew very well the Committee had decided by their proceedings that they were not to be confined within the strict rules respecting evidence by which the courts of law regulated themselves; but having made this allowance to col. Gordon, he must throw it out for the consideration of the Committee, whether having already committed an impropriety would justify them in adding to that impropriety, by allowing a witness to be examined, who could only speak upon the writing of a person whom he had never seen write; a practice which certainly would not be allowed in the courts below. Under these circumstances, he wished the Committee to pause before they determined, for it seemed to him to be of such importance, that if a vote should take place on it, he should give his against the witness being admitted.

The *Chancellor of the Exchequer* observed, that this objection of the hon. gent. ought to have been made when the subject was first introduced to the notice of the Committee; for when it had been decided that such evidence should be resorted to, it seemed rather hard that any opposition should now be made to it. He supposed, however, the hon. gent. left the house the other night before the subject was mentioned in the Committee. In the course of the last night's discussion on this inquiry, an hon. member under the gallery had observed, that having carefully compared the Note with the two letters which had been actually proved to be the Duke's hand-writing, the letters in the Note appeared to him, from their formation, to be more like an imitation of letters than a regular hand-writing. On this it was thought necessary that the information should be attended to, and followed up as accurately as possible; and as it would be altogether out of the power of all the members of that house to examine the Papers so minutely as to form a decision on the point, it was thought most adviseable to apply to four or five persons of the Post-office and the Bank, who were in the use and habit of investigating such points in cases of life and death. If these Letters and Note were only to be submitted to a jury of 12 men, they might all of them examine all the letters so minutely, as to decide the point by themselves; but in so great a number as the members of that house, such an examination would be absolutely impossible. Such a proceeding had been allowed in a trial at bar by four judges, sitting in solemn decision in the Court of King's Bench; but in one case, that decision had been denied to be law by one judge at Nisi Prius. The present proceeding, as he observed before, had been adopted the other night; and though it might not fall in with the observations of the hon. gent. on the subject, it was somewhat hard the witness should now be objected to, after it had previously been agreed upon that he should be examined, and that he had been sent for accordingly.—As to the observation of the hon. gent., viz. that it seemed as if the Committee were inclined to give indulgence on one side and not on the other, he thought it was by no means the case. In one instance a person was called to examine a hand-writing that was not his own, and in the other, a writing that was her own. If there had been any irregularity, it was in having admitted col. Gordon's evidence, but none in Mrs. C.'s; for if any thing should arise in the course of the letters produced to the injury of Mrs. C.'s evidence, she would be allowed to have an examination of such parts, and if any alterations and interpolations had been made, she would be able to detect and point them out. From the mode adopted by the Speaker, he was equally ignorant of the evidence this witness would give as the hon. gent. was or any other person whatever; but he thought as he had been called upon by the Committee to make the examination, and had done so, he ought to be permitted to give his evidence on the subject, be it whatever it might.

Mr. *Whitbread* said, he saw no difference between a jury and the members of that house, as he thought no member would give his judgment without having examined the papers carefully with his own eyes, and after he had so done, he believed there was not a member who would not give his opinion in preference to his own eye-sight, before that of this witness, or any other who formed his judgment from the same basis.

Lord *Folkestone* said he came prepared to make the same objection, in which he had been anticipated by the hon. gent. below him; and he must observe generally, as to this kind of evidence, that whenever it had been resorted to, it was always in the case of its being the best evidence that could be obtained on the subject. Mrs. C. had given a direct testimony, and if gentlemen would seriously and carefully attend to the whole of her evidence, it would appear to be as correct, fair and honourable a testimony as could be given. Four gentlemen of honour had been examined on the point in question, who all agreed that it was so like the Duke of York's hand-writing, that they believed it to be his.—With respect to the doctrine of being allowed to prove any thing by a comparison of hands, the last case which had been determined on the subject, was at Maidstone. It was that of Jackson *v.* Cator, for a libel; and Mr. Garrow, for the plaintiff, called evidence such as this to prove that the libel was written in a feigned or suppositious hand, and that there was a similarity between this feigned hand and that of the defendant Cator. The noble lord then read an extract from the speech of lord Ellenborough, who was then Attorney-general, and counsel for the defendant, by which it appeared, that he said he was not desiring the court not to go the length of judges in the worst of times, but only the judges who were then administering the laws of the land. He referred to the case of Revett and Braham, which had been quoted by the right hon. gent. opposite, being the trial at bar he had mentioned, and shewed that that case had afterwards been reversed by lord Kenyon. The witness was asked whether he could say the libel was like the hand-writing of Cator, but lord Kenyon would not allow him to answer the question, because, he said, that comparison of hands was no evidence. And in a similar case, which came to be heard before Mr. Justice Yates, that most upright and learned judge held expressly the same doctrine, and said he did not know any case where comparison of hands could be admitted. In an indictment for forgery, a person who had seen the party write might be admitted to prove it, but not by a comparison on a similarity of hands. There was also submitted by lord Ellenborough to the court the case of the seven bishops, in which chief justice Jefferys and another judge were willing to receive such evidence, and Mr. justice Powell and another were against it, which shewed that the lawyers even of that day never thought it right to prove forgery by a comparison of hands. Mr. Baron Hotham's decision in the case of Jackson and Cator, and in which he rejected the doctrine laid down in Revett and Braham, was an authority which compelled him to acquiesce entirely in the opinion of that learned judge. The solicitor for the plaintiff, in the case of Jackson and Cator, was prepared to take down a host of inspectors from the Post-office, to prove the libel was in a feigned hand. The defendant was prepared with another host of inspectors from the Bank, who would have proved the direct contrary. This statement had been made to him by the defendant's solicitor, who was a gentleman of great honour and credit in his profession, and shewed how very great the difference of opinions was, with regard to the comparison of hands. He would therefore intreat the Committee to weigh well the matter, before they allowed such evidence to be called to the bar.

Mr. *Beresford* said a few words in favour of the witness being called in.

Mr. *W. Smith* said, that having given his opinion in favour of the proceeding on the last night of the Inquiry, he should certainly maintain it then, though in direct opposition to that of his hon. friend and the noble lord, with whom he was generally in the habit of voting. The subject, indeed, divided itself into more branches than he was inclined to enter upon at that moment, but he could not help offering a few observations on it. He was sorry the mode of examining witnesses on oath had not been adopted, as he thought this house ought to examine on oath as well as the other, and he believed the custom had obtained in the other house from the circumstance of their being more frequently used to act in judicial capacity. As it was, the house must now proceed in the way that it set out with. There appeared to him great confusion in the manner of arguing the subject. The first question in these cases generally was, Have you seen the party write? and in answering this the witness did not give his opinion on having seen the party write, but on what he had written, which was merely matter of opinion from comparison of the hand-writing. That this, however, was, after all, a very uncertain mode of proceeding, he was ready to admit. This had to him been strongly exemplified in a case which occurred in that house a few nights ago. An hon. gent. had been examined as to the hand-writing of sir Horace Mann, who had on that occasion said, that the first paper produced to him was the writing of sir Horace, and the second was not. He (Mr. Smith) had carefully and minutely examined both, and though he had never seen sir H. Mann write, from the first paper being allowed by the hon. member without any doubt, to be the hand-writing of sir H. Mann, he (Mr. Smith) should have felt no doubt the second was also; with no other difference, than that the one had been written with what is generally called a better pen. As to the gentlemen who had been called to prove the duke of York's hand-writing, they had done themselves honour on the occasion, by the great caution with which they had given their evidence. If the house had strictly adhered to the rules adopted by the courts of law, he would allow they should confine themselves to it: but having once taken a greater latitude, they ought not to permit themselves to be circumscribed, and therefore he thought that col. Gordon's comparison of hands was not liable to the objection his hon. friend had made to it. He could not, therefore, but think it right that the witnesses should be examined, as to the comparison of hands.

Mr. *Bathurst* said, that as this point had been objected to, it behoved them to look well to the case, to see if they were doing what they ought. They might set up technical or legal proofs to bar such a mode of proceeding; but this case was nothing like what was so called in courts of law. As to Mrs. Clarke, he should give no opinion on her evidence. He should not follow the example of the noble lord who had penegyrised the lady on the occasion, because he thought it was premature to do so at present. As to the others, there was not one of them, but gen. Brownrigg, to whom a legal question had been put, and that question he had answered so as to deny that it was, in his opinion, the hand-writing of the duke of York. So far, therefore, from the fact being absolutely proved, there is still a doubt, it stands at present *in equilibrio;* and the question now was, whether the house might not apply to persons who were adequate to speak on the subject; and for his own part, he saw no reason why they should not endeavour to obtain as much information in it as they could. A case had been adduced, where a person was asked, whether a libel was in the genuine hand-writing of the plaintiff, and that was allowed. The person's hand-writing was then shewn, and he was asked whether that and the libel were not the same. That was a comparison of hands, and was objected to. The Inspector was asked whether the writing shewn him was a feigned hand, and that he was allowed to answer. The house ought therefore to go as far at least as the courts of law, and that was what was wanted to ask of this witness from the Post-office. Because the Duke's hand-writing, as to this Note, had not been proved at all, it was desirable to know, whether it was likely to be a real or a feigned hand. He was therefore of opinion the witness ought to be examined.

Mr. *Brand* expressed his surprise that any objections should be made to the examination of the proposed witnesses, and observed, that those who made it their business to mark and compare different hands might reasonably be considered as more competent to judge of such affairs than others.

Sir *Samuel Romilly* said, the question appeared to him to be of such high importance that he thought the Committee should not determine on it before they were in possession of more information. The object was very different from that of courts of justice, and therefore the house could not be bound by the same ties. The right hon. gent. opposite had not stated the matter fairly, when he merely talked of a decision at bar, and one at Nisi Prius. The fact was, that in the case of Revett and Braham, which was a trial at bar, the decision was so contrary to the established principles of law, and gave so universal and great an alarm to the whole bar, that on the subsequent occasion in the case of Nisi Prius, Mr. Baron Hotham, who was well known to be a judge very diffident of his own opinion, took on himself to reverse the law held on the other case, of the trial at bar: and it was very evident, and perfectly well known, that he, a single judge sitting at Nisi Prius, never would have undertaken to overturn that decision of the court, had he not been well aware that it had been highly and loudly condemned by the universal opinion of the whole bar. There was no question of law so nice, as that of saying whether any certain piece of writing was that of any one particular person or not; the property, the liberties, and the lives, of all the subjects of this realm, were deeply interested in it; and it ought never to be forgotten in that house, in particular, that Algernon Sydney lost his life by admitting a comparison of hand-writing, and as lord Ellenborough had so lately argued the case most seriously, the house ought well to consider whether this was really law or not. He should be sorry to take up the time of the Committee, by going deeply into the reason of this case, but he had really heard nothing to convince him in what had been advanced that night on the subject. If the house were to judge by what had fallen from the hon. gent. below him (Mr. W. Smith), a comparison of hands was unquestionably better than seeing a person write; that argument, it seemed to him, went too far, for it proved the comparison to be the best, which was a doctrine long since exploded. The right hon. gent. on the floor (Mr. Bathurst) had said, that the house had examined four gentlemen, but had not put the proper questions to them. Then why not put these questions to them? They were still to be called before the house, and it was much better to put these questions to them in such a manner as the right hon. gent. should point out as a proper one, than to admit evidence so very alarming as this appeared to him to be. He begged the Committee to recollect that the evidence to be produced was to decide the point by a comparison of hands; that this was deemed contrary to the established law of the land; and is it, said he, the evidence of those persons which shall be allowed to determine this positively to be the hand-writing of the D. of Y.? He thought it ought not, and should therefore object to the witness being called to the bar.

The *Attorney General* said his hon. and learned friend who had just sat down, could not more highly respect the judicial opinion of lord Ellenborough than he himself did; but when he considered that in the case alluded to he went to Maidstone as counsel for the defendant, all the law he had then held on the subject was merely that of an advocate, doing the most he could for the cause of his client, but was by no means to be considered in the light of a judicial opinion. He could not allow the reason given by his hon. and learned friend for baron Hotham's over-ruling the decision of the court, because it was the universal opinion of the bar that that decision was contrary to law. In the case of Revett and Braham, the point was, whether the hand-writing was feigned or real; and this was to be determined by persons from public offices, who acted as inspectors. In the trial before baron Hotham, the inspectors from the Post-office were asked whether the hand-writing of the defendant Cator was a feigned hand: so far it agreed with the case of Revett and Braham; but it went further, and having proved the opinion that the hand-writing was feigned, they proceeded to ask, whether it had been feigned by the person who wrote the libel, and this was to be done by shewing the defendant's writing, and then comparing it with the libel; this was refused; but so far as whether the hand was a feigned hand, baron Hotham, in the case of Jackson and Cator, supported the doctrine in Revett and Braham. The question, however, then was, whether, as the Committee has hitherto proceeded, these witnesses should be allowed to be called, and whether the Committee should receive any further assistance towards proving the hand-writing. The Committee had already exceeded the strict rules of legal justice, and were then only asked to admit the evidence of persons who had been accustomed to examine, and to say whether certain hand-writing, submitted to their inspection, was feigned or real, and whether they would not be better able to judge, from persons of such experience, than by their own only; on that ground, he should apprehend the Committee would come to a decision.

The question was then put, and the witness was allowed to be called in, without a division.

THOMAS METCALFE, M. D. was called in, and examined.

You are a Physician? I am.

Are you Mrs. C.'s medical attendant? I am.

Have you seen Mrs. C. in the course of this day? Yes.

Is her state of health such as to prevent her attending to give evidence to-day? I think totally so.

Can you form any opinion when Mrs. C.'s health will permit her to attend? I should think in the course of two days.

[The Witness was directed to withdraw.]

[It was moved and seconded, that the evidence to hand-writing about to be produced, be not received; which being put, passed in the negative, without a division.]

Mr. SAMUEL JOHNSON was called in and examined.

(By the Chancellor of the Exchequer.)

What are you? Inspector of Franks at the General Post-Office.

How long have you been in that situation? I have been in the Office about thirteen years, or rather more; in that situation about six years; I think it was in 1802 I was appointed to the Franks.

In that situation, is it your particular duty to look at hand-writing, and observe its different variation? It is our duty to perceive that no Franks pass either from the house of peers or the house of commons, but Franks by the peers or the members themselves.

In the course of that duty, it is necessary for you to be very particular in your examination of hand-writing? As much so as our time will permit.

[The two Letters and the Note being shewn to the Witness.] You have seen these papers before, in the room of the house of commons? I have.

The paper to which particularly I wish to direct your attention, is the small paper: in your opinion, is that smaller paper the same hand-writing as the larger papers? It resembles it so nearly, that I should think it was.

In point of fact, have you occasionally, from inspection only, detected false or feigned signatures? Yes.

[The Witness was directed to withdraw.

Mr. ROBERT SEARLES was called in, and examined.

(By the Chancellor of the Exchequer.)

What are you? A deputy inspector of Franks.

How long have you been in that situation? About 18 months.

[The two Letters and the Note were shewn to the Witness.] You have seen these papers before? I have.

Look at them, and tell me whether you think they are all the same hand-writing? I think they are.

[The Witness was directed to withdraw.]

Mr. THOMAS NESBITT was called in, and examined.

(By Mr. Beresford.)

What is your employment? I am in the service of the Bank.

In what department of the Bank are you? Principal of the Letter of Attorney Office.

In that office are you in the habit of examining hand-writings that are suspected to be forgeries? Yes, constantly so.

How long have you been in that employment? Between 30 and 40 years, in the daily habit.

Are you in the habit of examining writings that you so suspect, by comparing them with other writings, acknowledged to be the hand of the same party? Certainly.

In making such comparison, what is your usual habit of doing it? A signature to a letter of attorney for sale is left at the Bank for me to examine, and if to any other letter of attorney the proprietor has put his name, or has accepted the stock, this letter of attorney in question would be examined by those signatures.

In so doing, are you in the habit of observing the turn of the different hands in writing the names, to see whether the party writing turned his hand the same way? Certainly.

[The two Letters and the Note were shewn to the Witness.] Have you seen these papers before? I have.

By a close inspection of the hand writing of the Letters, do you perceive any difference in the turns of any one compared with the others —(A cry of oh! oh! oh!)

[The Witness was directed to withdraw.

Mr. *Bathurst* rose to order:—He thought the proper course of examination was that which had been pursued by the Chancellor of the Exchequer.

The *Chancellor of the Exchequer* did not understand the objection of his hon. friend on the opposite side. His hon. friend behind him (Mr. Beresford) having formed his own judgment by an attention to the formation of the letters, wished to direct the attention of the witness to the particular circumstances which had weighed with himself before he asked him the general question. This he thought perfectly proper; and as his hon. friend had been in a situation where he himself had been in the habit of comparing hands, he had given up the examination of this witness to him.

Mr. *Bathurst* contended that the examination ought to be confined to the general question; for as to a trifling difference in a word or a letter, the hand-writing of each of the members of the house might so far vary at different times. But the point was, whether, on a view of the whole the witness was of opinion that the writings were the same. The question he thought the more improper, as the hon. gent. had founded it on an opinion of his own.

Mr. *Elliot* was sorry to interpose, but he had an objection to state different from that of his right hon. friend, who had just sat down. He thought it of great importance that the house and the committee should be consistent. A witness had been before rejected because he could speak only from signatures, and this witness stood in the same situation.

The *Chancellor of the Exchequer* remarked that the witnesses now called were not called with a view to prove the hand-writing of the D. of Y., but to say whether the two papers shewn them were in the same hand-writing. The question, he contended, was in substance unobjectionable; for it was proper and important to direct the attention of the witness to the materials upon which he was to judge; and this he supposed was the object of his hon. friend.

Mr. *Ellison* said, that the house had decided that these witnesses should be called, and therefore he had nothing to say on that point; but he was very anxious that it should not go forth to the public that there was any thing like an attempt to lead the witness. The object was to get at the truth. The question had a manifest tendency to lead the evidence. This would not serve the cause of truth; and on that account his feeling was strong against it.

Mr. *Beresford* stated, that having been himself in the habit of examining hand-writings with a view to detect forgeries, he had looked at the Note and the other Letters, and had made observations which appeared to several gentlemen to whom he mentioned them to have weight. He had refrained from asking any questions of the two first witnesses, as he might from the circumstance have a prejudice in his mind that might lead him to ask an improper question.—(A laugh). But the gentlemen around him seemed to think there was no impropriety in his asking questions, and pointing out the particulars to which he wished the witness to attend before he gave the general answer. But he would be sorry to press any question which might be thought improper, and if there was any objection to his last question, he would abandon it.

Mr. *Wilberforce* thought the question very improper in the peculiar circumstances under which these witnesses came before the committee. They had already examined the papers, and of course had attended to the necessary particulars, and it was quite needless now to lead their attention to them. They ought first to be asked, whether they believed the hand-writing to be the same, and if they answered in the affirmative, they might then with perfect propriety be asked why they thought so. But upon the principle of the last question a witness might be asked 500 preliminary questions, so as to fritter away his opinion before he gave it. The same course ought to be followed with respect to this witness, that had been adopted with respect to the two former, otherwise it might be imagined that the gentlemen who examined the witnesses, resorted to this circuitous method from the dread of an opinion contrary to their wishes.

Mr. *Beresford* moved that the question be expunged, which was accordingly done.

[The Witness was again called in.]

(By Mr. Beresford.)

State whether you think these several papers were all written by the same person, looking both at the directions and the inside of the Letters? I have looked very attentively at the Note particularly, and compared it with these two Letters, and after a great deal of attention and care in looking at almost every letter in the Note, I am of opinion that it was not written by the same hand.

On what circumstances in that Note do you ground your opinion? Because I perceive a neatness through almost every letter of the Note, which is not, I think, to be found in the Letters; and the whole of the writing in the Note appears to me to be of a smaller character than the Letters in general are; I think I perceive a stiffness in several of the letters in the Note, which I do not perceive in the two Letters dated Sandgate and Weymouth.

Have you any further observation to make? I will just add, that in the two Letters dated Sandgate and Weymouth, there appears to me to be a general freedom I do not perceive in the Note.

(By Lord Folkestone.)

You state that you perceive in the formation of the letters of the Note a neatness of character which you do not perceive in the Letters; do you not conceive that difference may arise from the difference of the pens and ink used in the writing? That circumstance has not escaped my mind, but after looking at that also, I am still of opinion that it was not the same writing.

You stated, that you are principal Inspector of the Letter of Attorney office; in examining letters of attorney in that office, is it not your principal business to look at the signature? It is.

Is that your only business? No, surely not; that is the principal business.

What other part of the hand-writing are you accustomed to examine, besides the signature; It is necessary for me to read over the whole of the letter of attorney, to see that it is correct in all its parts, and when so done, to compare the signature with any former signature, and if it agrees, of course it is admitted; if it does not agree, we have other modes of proof, such as looking at other signatures, comparing the hand-writing of the witnesses, and still other proofs.

Is it expected that the hand-writing in the body of the letter of attorney should be written by the person who signs his name at the bottom? The letters of attorney are almost universally filled up by the clerks in the office over which I preside; the body of the letter of attorney is uniformly filled up by them.

Then is not the comparison of writings to which alone your attention is directed, altogether a comparison of signatures? It is.

(By Mr. C. Adams.)

Have you, in looking over the Note, observed that there are no dots to the i's in that note? I have not.

Have you observed whether there are any dots to the i's in the two letters? I think I have observed dots in some parts of the letters.

Look over the letters again, with a view to that circumstance. [The Witness looked over the letters]—I do not observe several, but I do find, in the first letter I have looked into, one; that is the letter dated from Weymouth.

Have you observed but one i, in these two letters, with the dot over it? I have not observed more.

Having adverted to that circumstance, do you remain of the same opinion with regard to the hand-writing? I do not think that should change my opinion, because I think that the ensemble of the note appears to me altogether a different kind of hand.

You have stated to the Committee, that you looked over these letters and the note with great attention; how did it happen that so remarkable a circumstance as that escaped your attention? I do not at all wonder that such a circumstance as that should escape my attention, it is the first time I have ever been called upon in this house, however, and surrounded as I was by gentlemen on every side at the time I was examining into the letters, as far as my time and attention would allow, I do not wonder that that circumstance escaped my attention.

How long a time were these letters under your inspection in the Committee-room above stairs? I think about an hour; but in the course of that time, I had a great variety of letters to look over, of Mrs. C.'s and other persons, which I was directed to look at, and which I did look at, and observed the characters with some attention.

Do you remember an instance of a person endeavouring to forge or imitate the hand-writing of another who did not put dots to the i's, who in that forged or imitated paper was accustomed to put dots? I do not exactly recollect any circumstance about dots of i's, but I have refused signatures, and perhaps daily do that, which turn out to be forgeries, though generally innocent ones, but not actually the signature of the parties that should be there.

Does the circumstance of there being no dots to the i's in the note before you, make any difference in your opinion? It certainly was a circumstance that I did not advert to, and therefore, as far as that goes, I certainly think it is of weight, but not sufficient to alter my opinion.

(By Mr. Thompson.)

In the course of examining the signature of powers of attorney, have you not observed that the signature of the same person varies considerably in a short period of time? I certainly have, and that may arise from a variety of circumstances, such as ill health; a signature made before or after dinner has frequently been very materially different, and indeed a variety of other circumstances would alter the signature materially.

Have you not admitted the validity of signatures of the same person, so varying as you have stated, in a greater degree than the variation between the writing in the note and the two letters? I have no doubt but I have, but it will arise from this circumstance, probably, that where the signature of the constituent differs materially we have then the signature of two witnesses to look at, and if the signature of either of those witnesses should be well known to me to be in all probability a true signature, I mean a signature that passes before me very frequently, that would operate in my mind to admit the power of attorney, though there might be some considerable variation between the constituent's signature in the one instance and in the other.

Have you not admitted the validity of the hand-writing of those varying signatures, where the witnesses have been totally different persons, and totally unknown to you? I think I have not, because that is my particular business to attend to, not to admit any thing that is not in itself exactly what it ought to be, without such proof before me as should enable me to admit it.

What proportion of the signatures of the witnesses to the powers of attorney, in the country, are you acquainted with? I cannot say the proportion of hand-writings of witnesses that I am acquainted with, but certainly a great number, and you will allow that, when I tell you that every day I admit from forty to fifty, sixty and a hundred; hardly any day is less than forty, and very often a hundred.

You must know that powers of attorney, executed by the same person in the country, are attested by very different witnesses? Certainly.

Do you not depend upon the signature of the person who executes the power of attorney, much more than upon any name of any witness to the execution of that power of attorney? I certainly do, that is the first object.

Do you not principally depend upon the signature of the person who executes the power of attorney, notwithstanding the variations in the hand-writing of that person? I certainly do.

And you have admitted the validity of those signatures with greater variations than you find between the note and the two letters? I certainly have, but collateral-evidence has come in to satisfy me of the validity of the signatures.

(By Sir James Hall.)

Do you consider the note as having been written in imitation of the hand-writing of the letters? That was my opinion at the time I was examining them.

(By Mr. Lyttleton.)

Is it in the usual and common habit of yourself to be called upon for your opinion, and to give an opinion upon the similarity of hand-writing, where there are no signatures of names whatever? It has very seldom happened of late years, formerly it was more frequent, because of late years I have understood that such kind of evidence has not been admitted in the courts of law.

Having stated that you have been chiefly conversant with the examination of signatures, do you judge of them by comparison with other signatures of the same person, or a general comparison of the hand-writing of the person supposed to sign? I judge of them by a comparison with other signatures of the same person.

Have you ever seen papers in which the signature and the other writing in those papers, purported to be, and to your knowledge were written by the same person? I have.

Have you in those cases observed that the signatures are in many cases different from the general writing? I certainly have; and I must acknowledge that signatures in general are much easier to judge of than common lines of writing, because signatures have always appeared to me a set kind of hand, which a man takes up, and in general does not part with.

(By Mr. H. Martin.)

Previously to your examination of the two letters and the note, had it been intimated to you by any person, and by whom, that there was reason to doubt of the authenticity of the note? I think I should answer to that, that I read the newspaper every evening, and therefore I have read all that concerns this business every evening as constantly as it has passed.

Is the Committee to understand, that the first doubt you entertained was by what was suggested from reading the newspapers? I certainly came with no prejudice in my mind, but I came determined to form my mind from what I should see in the note and in the letters.

Is the Committee to understand, that the first doubt you entertained was by what was suggested from reading the newspapers? I think I said that I came here with no prejudice, but to form my mind from what I should find in reading over the note and the letters.

Is the Committee to understand, that the first doubt you entertained was by what was suggested from reading the newspapers? I conceive that I might reason upon the subject, but certainly I came here with no prejudice whatever.

Is the Committee to understand, that the first doubt you entertained was, by what was suggested from reading the news-papers? I certainly did reason upon the subject in my own mind, but I came here with no prejudice whatever.

Have you carefully examined both the letters, and do you find in any parts of either of those letters any difference in the hand-writing; are both those letters exactly in the same character and style of hand-writing? I did not perceive any particular difference in the mode of writing in those two letters, but that they were all written with the same kind of freedom, except where the ink appeared to fail, and that will constantly be the case under such a circumstance.

(By the Hon. Mr. J. Ward.)

Is or is not the difference in the note and the letters greater than that which you have frequently observed between acknowledged pieces of hand-writing of the same person? The difference between the note and the letter appears to me to arise, taking it altogether, from the neatness and the stiffness of writing, which I do not observe in the two letters; as to there being a greater difference between the note and the letters, and any two signatures which I have admitted, I really cannot tell how to answer that; the differences in signatures are so very frequent, and so various, that I cannot well explain myself upon that subject.

(By Mr. Whitbread.)

From your habits of business at the bank, have you more frequent opportunities of comparing the general hand-writings of parties, than persons engaged in any mercantile or other counting-house in the city of London? I am persuaded not, and I have thought myself frequently incompetent to such kind of examinations, because my constant practice has been with respect to signatures only.

You having stated that you had been occupied one hour in examining all the papers, inclusive of Mrs. C.'s letters, what time did you devote to the examination of the three letters now in question? I think it is probable that I might have been from half an hour to three quarters on the one, and the rest of the time on the various letters of Mrs. Clarke, and so on.

(By Mr. Barham.)

Might not the short note and the two letters have been the hand-writing of the same person, supposing the short note written in the morning, and the two letters after dinner, or *vice versa?* I think that might possibly have been the case, but then that written in the afternoon would have been much worse than that written in the morning.

If two powers of attorney had been presented to you for your examinations, one in the hand of the letter which was acknowledged to be the hand-writing of the party who presented it, and the other in the hand-writing of the short note, with your observation would you officially have refused the acceptance of that latter power of attorney? If there had been no other circumstances as collateral evidence in favour of it, I certainly should have demurred to the signature.

Have you not said, that writings differing as much as these, have ultimately turned out to be genuine? If I have not, I am persuaded they have done so.

[The witness was directed to withdraw.

Mr. THOMAS BATEMAN was called in, and examined.

(By the Attorney General.)

In what business are you? In the service of the Bank of England.

In what department? My employment is the examining powers of attorney in the first place, as to the accuracy of them, and then examining their signatures.

[The two Letters and the Note were shewn to the witness.] Have you examined those two letters and that note, for the purpose of discovering whether they are written by the same person or not? I have.

How long have you been employed in the department in which you now are? Nearly 20 years.

You are still in that situation? I am.

You state, that you have examined these two letters and that note, for the purpose of discovering whether they are written by the same person? I have.

Look at them now, and tell me whether they were in your judgment written by the same person? I think there is a very correspondent similarity.

In your judgment, is the note written by the same person as these letters were written by? I can only say that there is a very marked similarity.

(By Sir J. Sebright.)

Upon examining these letters and the note, have you any reason to think they were not written by the same person? I have not any reason to think they were not; I have no reason at all upon that subject.

Upon examining those letters and the note, have you any reason to think they were not written by the same person? After what I have said, I think I cannot answer that question but in the way I have answered it.

If two powers of attorney came before you, signed, one in the character of the note, and the other in the character of the letters, would you have passed them both as written by the same person? I think I should.

[The witness was directed to withdraw.

Mr. THOMAS BLISS was called in and examined.

(By the Attorney General.)

What is your employment? One of the Investigators of the Bank of England.

What is your business in that department To examine and inspect into forged notes.

How long have you been in that situation About fifteen years.

Is it your business to discover whether the signatures to those notes are or are not genuine It is.

Do you examine any thing but the signatures to those notes? The whole of the notes every writing on the note; it leads to many other things, the paper, the writing, the engraving, and the whole of the notes.

Do you examine any writing upon the notes except the signature? Yes, very frequently.

What part of those bills which you examine is written, except the signature? The date and number.

Do you examine Bank post bills as well as Bank-notes? No.

Then there is nothing of writing upon those bills you examine, but the dates, the numbers and the signatures? Nothing else, except it might be writing by the public at times, upon the notes.

[The two letters and the note were shewn to the Witness] Have you examined the two letters and the note now put into your hand, for the purpose of discovering whether they are written by the same person or not? I have.

According to the best judgment you can form, are they or are they not written by the same person? I should suppose they were.

(By Mr. John Smith.)

Have you any doubt upon that subject at all? From letters that I saw afterwards, I have some doubt; but if I had not seen any other letters, from the appearance of those I should have had no doubt.

What letters did you see afterwards? I saw different letters on the table where I examined these, that I was desired to look at, from, I believe, No 31 to 40 or 41.

Is the committee to understand, that, from the observation you have made upon the letters and the note you have just seen, you have no doubt but they were written by the same person? I did not say I had no doubt, I said I thought they were.

Have you or have you not any doubt upon that subject, alluding to the three letters you have just seen? From the letters that I saw since, many of them seeming to differ, I have some doubt of it.

Have you or have you not any doubt upon that subject, alluding to the three letters you have just seen? From the examination of the three letters, which I looked at as carefully as possible, I thought they were all of one hand-writing.

(By Mr. Bathurst.)

Whose letters do you imagine those were that you saw besides? There were papers numbered as far as 40 upon the table; I went in at a late hour; only one being allowed to go in at a time, I looked only at ten, from 30 to 40 or 41; and I understood from those letters they were written by Mrs. Clarke.

Explain how the comparison of Mrs. Clarke's letters induced you to doubt about the similarity of the three others.—After I had been desired to look at two letters, and the other, to compare the hand-writing, I was desired to look at the other letters, and compare them with the first two letters also.

How did that comparison alter the opinion you had before formed? Because, though they were written by one person, yet they differed in the writing; there were some very plain to read, and some more difficult to read; some written rather larger, and some rather smaller.

I understand you to have stated, that the two letters and the note appeared to you at first to be of the same writing? I did say so.

Therefore, though these were written at different times, there appeared no great difference in the writing? There did not.

How was that opinion altered by finding that another person did at different times write different hands? From the difference of that handwriting; some of them I compared, in some measure bore a semblance to the first two letters; if I had seen no others than the first two and the note produced to me, I should have been clearly of opinion, without any doubt, that they had been the same person's writing; but I explain now, from the ultimate judgment of what I looked at, which impressed upon me this, that the letters that I saw, though they were one person's writing, the writing differed materially, some very small and some larger, and from the very free easy running hand, some seem so exactly alike, and some different, that it would be doubtful to judge of that person's writing at all times, whether it was her writing or not.

Is it from those letters differing amongst themselves, or from some of them agreeing with the two letters now shewn to you, that your doubt arises? It is from some of those letters being differently written of themselves, and some of them having a small semblance of the other writing.

Did those letters most resemble the two letters or the note? One or two of the letters resembled the two letters and the note.

Is it from that resemblance that you doubt now that the two letters and the note were of the same hand-writing? The difference amongst themselves would be the only reason that would create any doubt in my mind.

You have said, that some of those letters were in a large and some in a small hand, and yet you suppose them to be the writing of the same person? I understood that they were the writing, and thought that they were the writing of the same person.

Is not the note in a smaller hand than the letters? I think as near as possible, the major part of it is the same size as the letters.

(By the Attorney General.)

Did you perceive any similarity between the hand-writing of any of the letters last shewn you, from 30 to 40, and the Note? There were one or two of the letters that I thought bore a semblance of the two letters and the note.

Is that the circumstance which led you to doubt at last whether the two letters and the note were written by the same person? It certainly was.

[The witness was directed to withdraw.

Brigadier General CLAVERING having sent a Letter to the Chairman, requesting that he might be called to explain his Evidence;

which was refused to you? If my memory serves me right, there were three or four young regiments raised at that time in Ireland, but not in this country.

Were they raised upon the same term with regard to the payment of money, as the tender made by you for raising your men? They were not; my proposal was, as far as I can recollect, for I had forgotten that till I saw it in the evidence, my proposal was to raise them from the Militia; the regiments in Ireland were raised with a bounty.

From whom did you receive the information first, that Mrs. C. had influence with the Commander in Chief relative to military promotions, which induced you to have the first letter written, or to connive at the writing of the first letter to Mrs. C., in order to obtain that influence in your favour? My information upon that head was merely report, but the letter alluded to was suggested to me.

(By the Hon. Mr. Ward.)

Had you ever any other than a written communication with Mrs. C. upon the subject of your own promotion? To the best of my opinion, I had not; the reason why I think so is, that at that time I was stationed at a distance from London.

(By Mr. H. Martin.)

Is the Committee to understand you to have said, that if you had applied to the War-office for information, after its having been notified that you were a Brigadier-General, and your being put back to the rank which you call Brigadier-Colonel, you would not have obtained that information? I do not think that I should, nor should I have made the application, conceiving that such application would have been improper.

Why then do you suppose you could obtain information respecting military arrangements from Mrs. C., which you could not obtain from the War-Office? Because I see a considerable degree of distinction between making application for information to a lady of the description that she then was, and making it to those official persons who would not have been justified in giving me the information that I desired.

What reason had you for thinking that Mrs. C. had information of what was passing at the War-office; which information would have been refused to military officers regularly applying? Because I was of opinion that by her influence over the Commander in Chief, which she described herself to me to possess, she could obtain any information of that description.

How is the Committee to reconcile that declaration with that which you have made, that you did not then believe her to have any influence over the Commander in Chief? If I am correct, I before said, that the influence she possessed over h. r. h. the Commander in Chief did not go to the distribution of military promotions.

Did it then go to the obtaining information of regulations in the War-office, which regulations were withheld from public notice? As she always gave me to understand she could procure almost any promotion whatever, I conceived that the only way to obtain that which I wished for was by application to her.

Did you in point of fact obtain the information you sought for through her means? I did not; the information that I received was, as far as I can recollect, that there had been a mistake in removing us from the situation of brigadier generals to brigadier colonels and that that mistake was shortly to be rectified.

Was that or not the information you did wish to obtain? It was not the information that I wished to obtain, if I am perfectly correct, because I do not think she stated the reason why we were removed from the situation of brigadier generals to brigadier colonels. I hope the hon. committee will excuse any mistake I may make in this, for there has a period of several years elapsed since this correspondence, and I may fall into an error: it is my endeavour to give every information in my power.

(By Mr. Whitbread.)

Look at the letter in the clerk's hand, and read it. [A Letter, dated the 11th of Nov. 1804, was shewn to gen. Clavering.] You there express your thanks to Mrs. C. for her attempts to serve you, though unsuccessful.—I am of opinion that must have alluded to her not being able to obtain me permission to raise a regiment.

You speak further on the coming to town; when you and Mrs. C. met, did any conversation arise as to military promotions, or military matters? It is above five years since I wrote this letter, and I am sure it is impossible for any person whatever to recollect any conversation of so trivial a nature after so long a period.

You have positively stated in your former examination, that you never had any conversation; you have referred the explanation which you wished to give to the Committee to-night, to the difference between communication and conversation, and that it was conversation you understood the question to refer to; do you now adhere to the answer of the former night, that you never had any conversation with Mrs. C. on the subject of military promotions, or military matters? I do not recollect having had any conversation with her upon the subject; it is possible that something tending to it in the course of conversation might have been alluded to, but at this distance of time I cannot charge my memory with it.

Having stated, that in the original application to Mrs. C. you profferred her the sum of 1,000*l.* to obtain that which you wished at the time; did you ever, on any other occasion, make her an offer of money, or any valuable consideration of any kind, for the purpose of obtaining her supposed influence with the Commander in Chief? I am positive I never did.

Did you ever, without making any previous offer, make her any pecuniary recompence, or give her any valuable consideration for any service she might have done you, or endeavoured to do you, with the Commander in Chief? I never gave her any thing in my life, unless it might be accidentally; being in the room when the milliner brought her a shawl, I told the milliner she might call upon me for the payment for it.

I understood you to say, that you consider Mrs. C. to have very little, if any influence with the Commander in Chief, on military promotions? Yes.

(By Sir Thomas Turton.)

Do you found your opinion on the refusal to allow you to raise a regiment, or have you any other reason for that opinion? I ground my opinion upon my own case, and also conversation with various military officers upon the subject; for though various reports have gone forth, to the prejudice of h. r. h. upon that subject, I never heard of any one case that could be brought home, nor do I believe there is any such case.

(By Sir J. Sebright.)

Did you ever apply to Mrs. C. by letter or otherwise, to get you put upon the staff? I was placed upon the staff upon the 24th Sept. 1803, as the Gazette of that date will shew; and h. r. h.'s first acquaintance with Mrs. C. did not commence till four months afterwards, in the month of January 1804.

Did you not write a Letter to the Attorney General, desiring that you might be examined at the bar of this Committee upon this subject? I did, and I should be extremely happy to state the reason why I wrote that letter.

Acknowledging, as you have done, that you have written letters to Mrs. C. upon the subject of Military Promotions, and also have had conversations with her upon that subject, state with what view you wrote that Letter to the Attorney General.—About a day or two after this inquiry commenced, I perceived in the public papers that my name had been introduced, and, apprehensive that h. r. h. might suppose that I had been engaged in any improper military transactions, I went down to the Horse-Guards, to explain the transaction to lieut. col. Gordon; col. Gordon did not see me, but referred me to Mr. Lowten. I called upon Mr. Lowten, and he put various questions to me; and, and after my replying to those questions, he told me it would be necessary for me to go down to the House to be examined. I replied to him, that was what I should wish particularly to avoid; but that if he stated absolutely it was necessary, I certainly would attend, but that it was the farthest from my wish. When I did come down here, it was deemed right I should write a Letter to the Attorney General, and accordingly such letter was written, and I stated in it, that I appeared here at Mr. Lowten's desire: after reading that letter to Mr. Lowten, and two other gentlemen who were present, it was observed by one of them that Mr. Lowten's name should not appear, in consequence of his being Agent for h. r. h. consequently Mr. Lowten's name was expunged; and therefore it appeared I was a voluntary witness upon this occasion, whereas I was not so, but came forward at Mr. Lowten's desire.

Why, after the evidence you have given here before the Committee, did you write to the Attorney General, with a view of shewing you knew nothing at all about these transactions? The hon. member who puts that question is under a mistake, I never wrote such a letter.

With what view did you write the letter to the Attorney General; and why, after having written that letter to the Attorney-General, offering to do away the evidence of Mrs. C. do you come to give the evidence which you have given at the bar of this Committee? I am very sorry to say I do not comprehend the question.

(By Mr. Dennis Browne.)

With what view did you write that letter to the Attorney-General? Mr. Lowten stated to me, that he conceived my evidence would be of considerable consequence in this house; and therefore, as it was absolutely necessary that I should be introduced to this house, a letter was written to the Attorney-General, as the best mode of bringing me forward.

(By Mr. H. Martin.)

Did you inform Mr. Lowten of all your transactions with Mrs. C. at the time Mr. Lowten gave you that advice? I did not, of all of them.

(By Mr. Whitbread.)

It stands upon the Minutes of the Evidence, that 'Brigadier-general Clavering having stated 'to a member of the house that he was desirous of being examined, brigadier general 'Clavering was called in, and examined by the 'committee as follows: Have you sent a letter 'to me (namely, the Attorney-General) this 'evening? I did so.—Desiring that you might 'be examined? I did so.' I understand that you presented yourself as a voluntary witness; you state now, that you were unwilling to be examined, but were desired by Mr. Lowten to be examined; do you mean to state that you were a voluntary or an involuntary witness at this bar? I have no objection to state, that it was the last wish of my heart to be examined at this bar. Mr. Lowten stated, it was extremely desirable that I should be examined, and therefore I acceded; and I apprehended the distinction between a voluntary and an involuntary witness to consist in this, that I was not summoned to attend at the bar.

Did Mr. Lowten represent to you what his reason was for wishing you to put yourself forward, instead of a summons being issued to you in the usual way? He did not state any thing upon that subject.

(By the Chancellor of the Exchequer.)

For what purpose did you go down to the Horse-Guards, and afterwards go to Mr. Lowten? I was anxious to remove from the mind of lieut. col. Gordon any idea that I had been concerned in any traffic in Commissions, as appeared in the news-papers. Col. Gordon refused to see me, and referred me to Mr. Lowten.

Were you desirous to do away that impression from the mind of col. Gordon at the time you recollected that you had offered that 1,000 *l.* for a Commission? I was desirous of removing from his mind any unfavourable impression that might have occurred from reading the reports of what had passed in this committee.

Were you desirous of doing so, by stating the true state of the facts to col. Gordon, or concealing it? It was my intention to have stated the fact which was alluded to in the preceding evening, in which my name was brought forward, and that was relating to lieut. Sumner.

Was it for the purpose of contradicting that fact, that you went to col. Gordon? It was for the purpose of explaining the mode in which my name came to be introduced by Mrs. C. in the transaction in which lieut. Sumner's name was brought forward.

(By Mr. Whitbread.)

Did you mention to Mr. Lowten this transaction, of the offer of the 1,000 *l.* to Mrs. C.? I believe I did not; but I should have had no scruple in doing it, for I had mentioned it to a thousand persons before.

Are you sure you did not mention it to Mr. Lowten? I think I did not.

Were you appointed a brigadier general in a district, after having been inspecting field officer of a district? I was continued in the district to which I was originally appointed.

Had you the rank of brigadier general, after having been col. or lieut. col. inspecting field officer? I was promoted in common with all the officers of the same rank with myself at the same time.

Did you apply to Mrs. C. upon the subject of that promotion, directly or indirectly, by letter or in conversation? I am quite certain that I did not apply to her upon it; and I am the more certain, because I recollect that the first information I received of any of the brigadier generals being to be appointed, was about a month before it became public, and that was from her.

Was that information communicated to you privately as a secret? It was communicated by letter, but no secrecy enjoined, to the best of my opinion.

[The Witness was directed to withdraw.]

Mr. *C. W. Wynn* rose to discharge a painful duty; but, painful as it might be, it was a duty, and he should not shrink from the discharge of it. The Committee must be aware of the nature of the testimony given by the witness who had just withdrawn, and as he had been warned that he was to give his evidence at his own peril, and had exposed himself to the animadversion of the house, he should move, That general Clavering has prevaricated in his evidence.

General *Mathew* trusted his hon. friend would not prematurely press a motion, which went to affect the honour and feelings of a gallant and deserving officer. For the last eight years he had not the honour of a frequent intercourse with gen. Clavering, but from what he did know of him, he was convinced there never was a man who would more studiously avoid any conduct which an honourable mind would disapprove. He had listened attentively that night to his examination, and he could by no means prepare his mind to say, that in his testimony there was any prevarication.

Mr. *Whitbread,* although alive to the feelings of friendship, by which his hon. friend was actuated, still could not, in regard to the dignity of that house, sacrifice the paramount demands of justice.

Sir *M. W. Ridley* called upon Mr. Wynn to point out the particular parts where gen. Clavering prevaricated before he pressed such a serious motion.

The *Chancellor of the Exchequer* was not zealous to cover gen. Clavering, but he did not believe, that although between his letters and his verbal testimony there existed contradictions, still it could be proved that he had prevaricated.

Mr. *Wynn* perspicuously contrasted the various parts of gen. Clavering's testimony, in order to justify his motion, and concluded with admonishing the Committee, that the country would put an injurious construction upon that system which would vent on the same misconduct, in humble life, that severer measure of punishment, the infliction of which on the higher rank of delinquents it would oppose.

Mr. *Calvert* declared, that he had not heard the evidence distinctly, and if he was to be called upon for a vote, he should move that the short-hand-writer should read the whole of the evidence.

Mr. *Yorke* observed, that gen. Clavering had come to the bar to explain his former evidence, and that it was not therefore a trifling variation that was to be considered prevarication. He thought that it would be better to put off any consideration of such points, unless in the case of gross and wilful prevarication, till the investigation should be concluded. The day of reckoning would come, when the house ought to take up the consideration of the various acts of corruption, imposition, and swindling, which had come out in the course of this inquiry.

Sir *T. Turton* argued, that as the witness had come to the bar to contradict or correct his former testimony, he could not be said to have prevaricated.

The *Secretary at War* thought, that as gen. Clavering had on a former night given evidence in which he found he had been mistaken, he had no other course but to come down and explain the mistake. However contradictory this statement had been to the former, there was no prevarication in what he stated to-night, as he had concealed nothing, but told of his offer to Mrs. C. of 1,000*l.* for her influence to get him a regiment.

Mr. *Wilberforce* said, that if he were absolutely called upon to pronounce an opinion, it must be in favour of the motion, as the contradiction was so very strong. If gen. Clavering had, upon reading his evidence, and finding that it conveyed a false impression, come down without delay, and explained it the next day, it would have had a very different aspect; but he had waited eight or nine days before he thought proper to make this explanation. Under all the circumstances, however, he considered that the best course would be to adjourn the discussion on the proposed resolution.

Mr. *Wynn* said, that he had felt the case so strong, that he did not apprehend any doubt; but as there was a doubt, he should very readily agree to postpone the discussion.

The *Chancellor of the Exchequer* said, that in case of prevarication, he thought the house should proceed immediately to the punishment of the witness. In case, however, of a witness contradicting a statement he had before made, he thought it would be much the best way to go through the whole of the case, and afterwards consider what course should be taken with the witnesses who had contradicted themselves. He thought, therefore, the hon. gent. would do best to withdraw his motion for the present, and bear the matter in his mind till that time should arrive.

Mr. *Wynn*, on this suggestion, consented to withdraw his motion.

CHARLES GREENWOOD, esq. was called in, and examined.

(By Mr. Abercrombie.)

Is there any part of your evidence, respecting the appointment of Mr. Elderton, which you now wish to correct? Yes.

State what that part of your evidence is. I there mentioned some unfavourable reports which I had heard of him, as having heard of them before the appointment took place; it now appears, upon referring to the transactions of that period, that those reports were not received till after the appointment had taken place.

Is there any other part of your evidence on that subject which you wish to correct? No.

[The Witness was directed to withdraw.

Colonel GORDON was called in, and examined.

(By Mr. Huskisson.)

Do you recollect the date of col. Clinton's leaving the public office of secretary to h. r. h. the Commander in Chief, and of your succeeding to him? It was on the 26th of July, 1804.

On the 26th of July, had the name of capt. Tonyn been sent in to his Majesty for promotion to a majority? No, it had not.

Then, if any person could state at that time that capt. Tonyn would appear in the Gazette of the following Saturday, that person must have been either entirely ignorant of the course of office, or must have intended to deceive the person to whom such information was given? I should suppose so.

In point of fact, would it have been possible in the course of office, between the Thursday and the Saturday, to have received his majesty's pleasure respecting that promotion? It would certainly have been possible to have received his majesty's pleasure on the Thursday or the Friday, supposing the thing to have been so settled.

In the usual course of office could that have taken place? Supposing the thing to have been settled, it might certainly have been so.

On what day was capt. Tonyn's name sent in to the king for promotion? I have not got the documents with me, but I think, upon recollection, it was the 9th of August.

Then he did not appear in the Gazette either of Saturday the 28th, or of the Saturday following? No, I think not, but I have not got the documents at hand.

[The following entry was read from the Gazette of the 18th August 1804, page 999:

"31st regiment of foot, capt. Alexander Leith, to be major. Capt. George Augustus Tonyn, from the 48th foot, to be major."

You will observe that major Leith's commission is dated the 1st of August, and capt. Tonyn's the 2d; can you state the reason of major Leith's being dated the day preceding? They were both promoted at the same time, and major Leith had been the eldest captain.

You have stated, that the king's approbation to major Tonyn's promotion was obtained on the 9th of August, he appears in the gazette of the 18th; in case the Commander in Chief had thought it right on the 16th of August to stop the publication of major Tonyn's promotion in the gazette of Saturday the 18th, he could have done it? Yes, he might.

Is there any instance, in point of fact, of the Commander in Chief directing the publication of promotions in the gazette to be stopped, after they have received the approbation of his majesty? Yes, very frequently casualties happen between the periods of gazetting, and the periods of submitting them to the king; consequently such appointments are not gazetted.

Then if the Commander in Chief had sent an order on the 16th, to you or the proper department, to stop the publication of major Tonyn's promotion, it would not have appeared in the gazette of the 18th? If the Commander in Chief had sent such an order, it probably would have been suspended.

In point of fact, do you know whether any such order was sent? I think it was impossible, I should have had some recollection of it, and I cannot find any trace of such a thing.

And it was not suspended? It was not, it was gazetted among other promotions.

Do you know where the Commander in Chief was on Thursday the 16th of August, 1804? I cannot take upon myself to say positively where he was, but the 16th of August is his birth-day, and he commonly passes it at Oatlands.

Do you know whether he was at the Horse-Guards on the following day, the 17th of August? I cannot take upon myself to say, but it is a point very easily ascertained by reference to the dates; I have not the papers at hand to answer so precisely as that.

Do you recollect the Commander in Chief applying to you, either verbally or in writing, between the 16th and the 18th of August, to ask you whether he was in time to stop the publication of major Tonyn's promotion? No, I have no such recollection.

Can you inform the Committee, whether any officer of the name of Aslett is to be found in the Army List for that time? I have caused reference to be made to the Army List, and no such person's name could be found in the list of the army.

Was there any major of the name of Bligh promoted about that time? I have caused a similar reference to be made to the Army List, and I can find no such person.

Do you know whether an officer of the name of Bligh was removed about that time from the half pay of the 54th foot, to be lieut. col. of the 14th? On inquiry, the only officer of the name of Bligh who was removed about that time, was the hon. col. Bligh, who was removed from the half pay to a regiment of foot.

What was his standing as lieut. col. in the army? I really do not know, but a reference to the Army List will point it out at once.

Then, in point of fact, there was no major of the name of Aslett, and no major of the name of Bligh, promoted or removed about that period? None that I know of.

Do you know of any officer of the name of Bacon, in the army? There is a capt. Bacon in the army, but I have no knowledge of him whatever.

Did he apply for promotion about the period of July, August, or September, 1804? Not that I know of.

Do you know any thing of an officer of the name of Spedding? I find upon enquiry there was a capt. Spedding in the 48th regiment at that period.

Are there any documents in your office, respecting this officer's applications for promotion? I think I have the documents here. It appears he applied for promotion, and was refused; and he then applied to go upon the half pay, which was granted, and he is now, I think, upon the half pay.

[Col. Gordon delivered in the Papers.]

"In August, 1804, capt. Spedding of the 48th "regiment applied for promotion (No. 1), "and as he was known to sir Alured Clarke, "an application was made to the latter for "the character of capt. Spedding, by whose "answer (No. 2), it appears that sir Alured "Clarke does not recollect such an officer.

"In Nov. 1804, capt. Spedding applied "to be placed upon ½ pay (No. 4), *on ac-"count of a large family, and an intricacy "which had recently occurred in his private "affairs.*"

No. 1. 34

The Memorial of capt. John Spedding, 48th regiment.

28th August, 1804.

Not to be noted until a fair report shall be received from the regt.

"To his royal highness Field Marshal the Duke "of York, Commander in Chief.

"The Memorial of John Spedding, captain "in the 48th regiment of foot.

"Humbly sheweth; That your memorialist is a "captain of 1798—has served the greatest "part of his military life in the West Indies, "and was never absent during the whole "period from duty. Your memorialist most "humbly prays that your royal highness "may be graciously pleased to grant him "promotion. And your royal highness's "memorialist, as in duty bound, will ever "pray."

"August 28th, 1804."

"*Inquire of sir Alured Clarke of the charac-"ter of this officer, to whom it is understood he "is known.*"

No. 2. 62.
General sir A. Clarke.
7th Nov. 1804.

Put by.

"Rhual, near Chester, Nov. 7th, 1804.

"Sir; Your letter of the 29th ultimo directed "to my house in town was forwarded to "this place: but having been absent for a "few days, I did not receive it till yesterday, "which will, I hope, sufficiently account for "my not returning an earlier reply to h. r. "h.'s commands. I cannot at present call "to my recollection having had any personal acquaintance with capt. John Spedding of the 48th regiment, and consequently cannot give the Commander in "Chief the information he requires; or "offer any opinion as to that officer's merit. "I have been so many years employed "abroad on the public service, and in such "various parts of the world, that it is not "impossible but capt. Spedding may have "served under my orders; and I should be "extremely sorry if my immediate want of "recollection of it should operate to his disadvantage; if, therefore, he should be "able to refresh my memory respecting him, "by any communication he may think fit to "make, I shall have great pleasure in doing "him justice, and obeying h. r. h.'s com- "commands. I am, sir, &c.

"Alured Clarke."

"Lieut. Col. J. W. Gordon."

No. 3.
48 Foot.
Mem. 23 Nov. 1804.

Agreed to.

Return this to J. M.

"Strand, 14 Nov. 1804.

"Sir; I am directed by gen. Tonyn to transmit you the enclosed memorial, which the "General begs leave to recommend to the "notice of h. r. h. the Commander in Chief. "I have the honour to be, &c.

"Wm. Gilpin."

"Lieut. Col. Gordon."

"*Acquaint Mr. Gilpin, for gen. Tonyn's information, that h. r. h. approves of capt. Spedding retiring to half pay, and will recommend "an officer from that Est. to succeed him.*

"To Field Marshal his royal highness the Duke "of York and Albany, Commander in Chief "of his majesty's forces, &c. &c.

"The Memorial of capt. John Spedding of "the 48th regiment of foot:

"Humbly sheweth; That your royal highness's "memorialist, on account of a large family, "and an intricacy which has recently occurred in his private affairs, is desirous of "retiring from the service upon half pay.— "That he has been ten years in the army, "three of which he has been in the West "Indies.—That in the year 1799 he obtained leave of absence from the 11th "West India regiment, wherein he then "served as captain, and afterwards on the "17th Oct. 1799 exchanged to half pay "with an officer of the 2nd regiment of the "Irish brigade, and did not upon that exchange receive any difference.—That he "was removed from the half pay in July, "1803, not at his own request.—Your Memorialist therefore humbly hopes that "your royal highness will be pleased to permit him to retire upon half pay: and your "Memorialist as in duty bound will ever "pray.

"10th November, 1804."

48 Foot.
Capt. Hon. Geo. Blaquiere.
Mem. 23rd Nov. 1804.

"C. L."

"Capt. Blaquiere from half pay of Hompesch "dragoons to be placed on full pay in any regiment of infantry."

"The Commander in Chief has approved of "capt. Spedding of the 48th regiment being "placed on half pay.

"Capt. Blaquiere may be appointed to the "command."

Do you know what steps were taken when capt. Spedding applied for promotion? A reference was made to sir Alured Clarke, and it appeared that sir A. Clarke had very little or no knowledge of him. Sir A. Clarke's letter is here.

Was there any expectation or encouragement held out to capt. Spedding, that he would receive promotion in answer to his application? No, I think not. I find by a memorandum made upon the letter, that he was not to be noted until a favourable report should be received; in short, no notice was taken of his application; his Memorial is dated the 28th August, 1804.

Is the Committee to understand, that no notice was taken of his application, and no encouragement given to him between that application and the time he went upon half pay, so far as the documents inform you? None that I know of.

Do you know whether the Commander in Chief stopped all promotion in the 48th regiment? I have no recollection of it.

Does it appear by any document in the office, that any reason was assigned to capt. Spedding of that nature, as the reason for not giving him his promotion? I think not, I cannot find any such reason.

If promotion had been stopped in the 48th regiment, is it not likely you must have recollected it? Yes, I think so, some letter would have been written upon the subject, some correspondence must have passed.

Then you do not believe that there was any order given to stop promotion in the 48th regiment? I have already said I have no recollection of any such transaction.

Have you any documents in your possession that will shew in what manner major Taylor obtained his promotion to a lieut. colonelcy? Yes, I have.

Did he obtain it by purchase? No, he ought not to have obtained it by purchase; he was recommended by the colonel of a new levy, lord Matthew.

What was lord Matthew's levy, an Irish levy? Lord Matthew raised the 99th regiment, and by his letter of service was to recommend the officers; his letter of service I have now in my hand, and major Taylor is at the head of it.

Then the Commander in Chief could not do otherwise, under the conditions of that levy, than accept the recommendation of major Taylor to be a lieutenant-colonel, if he had served the time prescribed by the regulations of the army, to be qualified to hold that rank? I cannot say that the Commander in Chief could not do otherwise, but it was a transaction perfectly regular, and in the due course of business.

In point of fact, was lord Matthew, as the officer who had undertaken to raise the new levy, to recommend a lieutenant-colonel? Certainly.

Then is the Committee to understand that major Taylor obtained his promotion in consequence of this levy? Certainly, I know of no other cause whatever.

[Colonel Gordon delivered in the Papers.]

Major Taylor, 25th foot.
1st October, 1804.

"To Field Marshal h. r. h. the Duke of York,
Commander in Chief, &c. &c. &c.

"The Memorial of major John Taylor of his
Majesty's 25th regiment of foot;

"Sheweth; That your Memorialist served "during the rebellion of 1798 in Ireland, as "brigade-major and aid-de-camp to major-"general Trench, in which situation he re-"mained until the month of August 1799; "when major-general Hutchinson, having been "appointed to the staff of the army about to "embark for Holland, was pleased to nomi-"nate Memorialist as his aid-de-camp, in "which station he served the compaign of that "year. That Memorialist in 1800 accompanied "the expedition under lieut.-general sir R. Aber-"crombie to the Mediterranean, and landed "with the army in Egypt; Memorialist served "the former part of that campaign as aid-de-"camp to lord Hutchinson, who was pleased "to nominate him to the situation of deputy "adjutant-general, upon col. Abercrombie's "succeeding brigadier-general Hope as adju-"tant-general, the latter having been appoint-"ed to the command of a brigade; that in "1801 your royal highness was graciously "pleased to obtain from his Majesty the rank "of major, for Memorialist, and lately to ap-"point him to a majority in the 25th regiment "of foot.—Memorialist therefore relying on "your royal highness's goodness, presumes to "hope that your royal highness will not deem "it improper, under circumstances which he "has had the honour to submit, to express an "humble hope, that, should an opportunity "occur of promoting him to a lieutenant-"colonelcy in one of the new battalions, your "royal highness will be graciously pleased to "include him in the list of promotions.

"J. Taylor,
"Gordon's Hotel, "Major 25th foot."
"Albemarle-street, 1st Oct. 1804."

"*Major of* 1801, *and just promoted to the majority of the regiment.*

"*Considered with others, having equal pretensions, but no favourable opportunity at present.*"

99th foot.
Mem. 28th Feb. 1805.
"C. L."

"*Col. Gordon.*"

"*Compare this list with that already in your* "*possession.*

"*If you wish to shew these to h. r. h. to-day.*"

"Sir; By direction of lord Matthew, we "have the honour to request your royal high-"ness will be pleased to recommend to his "Majesty, the officers whose names are con-"tained in the inclosed list, for promotion, and "appointments in his lordship's regiment. We "have the honour to be, with great deference "and respect, sir, your royal highness's very "faithful and devoted servants,

"Greenwood & Cox."
"Craig's Court, 13th Feb. 1805."
"Field Marshal h. r. h. the D. of York, &c."

[Here follows a list of the Officer's Names.]

Does it appear that he applied for leave to purchase a lieutenant-colonelcy? I do not find any such application.

Have you any documents respecting the promotion of capt. Ximenes to a majority in August 1804? Yes, I have.

Where was capt. Ximenes when he was promoted? With his regiment, in Canada.

Was he an old captain in the army? Yes, he was a captain of 1794, of ten years standing.

Was he of that class of captains from his standing who was entitled, according to the view you take of the pretensions of officers of that rank and time, to majority? Yes, he was.

[Colonel Gordon delivered in the Papers.]

"Ximenes was a capt. of Nov. 1794, and "promoted to a majority in the 62d regt. on "the 28th Aug. 1804, in consequence of the "accompanying applications from his brother."

1
Capt. Ximenes, Wargrave Rangers.
29th April 1804.

"No 40, Weymouth-street, Portland-place,
29th April 1804."

"Sir; My brother, capt. David Ximenes "of the 29th regt. (now at Halifax) being a "capt. since 1794, induces me, in his absence, "to have the honour of requesting you'll be "pleased to interest yourself with h. r. h. the "Commander in Chief, for the purpose of "obtaining him permission to enter on an ar-

“ rangement *(by me)* for raising men under the “ late regulation, for a majority for him. I was “ very successful in raising a large proportion “ of the late Windsor Foresters Fen. Cav. in “ which I served from its commencement to “ the general reduction of Fen. Cav. in 1800. “ I will use every exertion till his return, which “ I humbly hope, in consideration of his being “ a capt. of near ten years standing, and having purchased every step, h. r. h. will graciously permit; and I beg leave further to state, “ that when he was on the recruiting service he “ was very successful. I am, sir, &c. Moris “ Ximenes,—Capt. Comt. Wargrave Rangers.”

“ Col. Clinton, &c. &c. &c.”

To be noted.

1

Maidenhead, 22d Aug. 1804.

The Memorial of Capt. M. Ximenes of the Wargrave Rangers, in behalf of his brother, Capt. D. Ximenes of the 29th Regt.

His brother's claims will be considered.

“ To Field Marshal his Royal Highness the “ Duke of York, Commander in Chief, &c. “ &c. &c.

“ The Memorial of Captain Moris Ximenes, “ Commandant of the Wargrave Rangers, “ on behalf of his brother, Captain David “ Ximenes, of the 29th regiment of foot, “ now on duty with his regiment:

“ Most humbly Sheweth; That your memorialist having seen in the Gazette several “ Captains promoted to Majorities, junior to “ the abovesaid Captain David Ximenes of the “ 29th foot, most humbly prays that your royal “ highness will be pleased to take his said brother's length of service (being nearly ten “ years a Captain) into consideration, and recommended him to his Majesty for promotion. And your memorialist will ever pray.

“ M. Ximenes.”

“ Bear Place, Maidenhead, Berks.

“ 22d August, 1804.”

“ Capt. D. Ximenes, 29th regt.”

“ He is a Captain of 1794, and a young man —does your R. H. approve of his being noted for promotion—he is abroad with his Corps.”

“ Approved.—C. L.—I have posted Capt. X. to the 62d.—J. W. G.”

1

London, 23d Dec. 1804.

Major Ximenes, 62d Regt.

“ New Hummums, Dec. 23, 1804.

“ Sir; I'll thank you to have the goodness to “ inform his royal highness the Commander in “ Chief, of my arrival here, and of my readiness to join the regiment, to which his condescending kindness has promoted me; for “ which promotion I should be happy to return thanks personally to his royal highness. “ I have the honour to be, sir, your most obedient servant, D. Ximenes, Major 62d regt.”

“ Lieut. Col. Gordon, &c. &c. &c.

“ Horse Guards.”

“ Major Ximenes, 62d Regt.”

“ For your Royal Highness's perusal.”

“ He must join his Regt.”

Was the levy of this regiment of lord Mathew's completed? It is actually now a regiment of the line, and serving, I think, in the Bahamas; it is the 99th regiment.

Was it completed in the year 1804? It was so far completed as to entitle him to recommend his officers; it was completed according to his letter of service, at least I believe so; it was regularly inspected by the commander of the forces in Ireland, and I know nothing to the contrary.

You observe in the statement of colonel Brooke's services, he is appointed to the 56th regiment on the 5th of Jan. 1805? I see it is so.

(By Sir George Warrender.)

Having stated, in your former evidence, that it was necessary to make enquiries into the services of lieut. col. Brooke, on the 1st of July, when the exchange was proposed; were not enquiries made previous to the 5th Jan., when he was appointed as effective to the 56th regiment of foot from half-pay? I take for granted that due enquiries were made; but I think I have stated in my evidence that particular enquiries were necessary on his exchange to the cavalry.

You mean that enquiries respecting colonel Brooke were made with respect to his fitness as a field officer of cavalry? I mean exactly that.

You will observe, that the only services of col. Brooke as a cavalry officer, are for three months as a cornet in 1793; state what the result of your enquiries into the services of col. Brooke as a cavalry officer were, in addition to those stated as a cornet for three months in 1793? That very circumstance made the enquiries still more necessary, and the result of them was satisfactory, as I have before stated; and that they were satisfactory, the services of col. Brooke have since very fully proved.

State what other services col. Brooke was engaged in which could give him a knowledge of cavalry, in addition to the three months during which he was cornet in 1793. I have already stated to the Committee, and it is in evidence before them, that I kept no memorandum in writing of such enquiries, but that the result of such enquiries was satisfactory: the conduct of col. Brooke, in the command of his regiment, has proved that they were eminently satisfactory.

[The following entry was read from the London Gazette of the 18th of Aug. 1804:—

“ 14th Regiment of Foot, lieut. col. hon. Wm. Bligh, from the half-pay of the 54th foot, to be lieutenant colonel.”

WILLIAM ADAM, esq. a Member of the House, attending in his place, was examined.

(By Sir T. Turton.)

You stated in your first examination, that you considered Mrs. C. had prejudiced h. r. h.'s interest and his name with regard to money, and that an investigation took place; in consequence of that investigation, did any proofs appear of h. r. h.'s name having ever been used by her to procure money? It is impossible for me to state the particular facts that appeared, but I remember perfectly well it was certainly established that there had been transactions with regard to goods and likewise with regard to bills, which satisfied me that that representation was correct; I made no memorandum at the time.

Then you cannot state any particular transactions, or any particular sum for which the name of the D. of Y. was made use of to raise money for Mrs. C.? Certainly not.

Can you state the sources from whence you derived the information of its being so raised? I believe I have already stated in that part of my evidence, that, in order to obtain the information that was necessary to enable h. r. h. to judge what course he should take with respect to Mrs. C., I communicated with Mr. Lowten, and he employed Mr. Wilkinson; Mr. Wilkinson made an investigation, and reported the circumstances to me.

It appears in your evidence, that the facts of the raising of money, or the prejudicing the interests of the D. of Y., by making use of his name, were communicated, after the investigation, to h. r. h.; were they communicated to h. r. h. by yourself, or by Mr. Lowten, or by Mr. Wilkinson? The result of the investigation was drawn up by Mr. Wilkinson or Mr. Lowten, I do not know which, and that was conveyed to h. r. h., not by my hand, but transmitted to h. r. h. when he was at Oatlands, I believe, upon the 7th or 9th of May 1806.

I understood by your evidence, that h. r. h. the D. of Y. was very unwilling to believe the facts that were charged against Mrs. C.; is the Committee to understand, that, after the investigation was made, and the facts were communicated to h. r. h., he was then satisfied that she had made use of his name, and prejudiced his interest by so doing? I can only answer that by stating what h. r. h.'s conduct was: h. r. h., in consequence of being possessed of the information which I have stated to have been conveyed to him, immediately or very soon after came to a resolution to take the step of separating from Mrs. Clarke.

Then I understand you to say, that the consequence of laying these facts before h. r. h. the D. of Y., was his separation from Mrs. C? I can draw no other conclusion than that; for, as I have already stated in my evidence, before that time, there was no reason to suppose that h. r. h. intended to separate from Mrs. C.; and, after that time, he did take that determination.

Did you read, at any time, the statement that was drawn up by Mr. Lowten or Mr. Wilkinson, and submitted to h. r. h. the D. of Y.? I certainly did.

Does your recollection furnish you with any specific sum that was raised by Mrs. C. in the D. of Y.'s name, without his authority? No, it does not.

Probably you know whether the paper which was delivered to the D. of Y. is in the possession of h. r. h. at present? I never have seen that paper since.

(By Lord Folkestone.)

When did you first hear of the Note in the possession of capt. Sandon? On Saturday morning, the 4th of this month, between ten and eleven o'clock.

From whom did you hear of it? I heard of it from col. Hamilton; col. Hamilton came to my house on Saturday morning, between 10 and 11 o'clock, before I was out of my bed.

State to the committee what passed upon that occasion.—Col. Hamilton came to my house between 10 and 11 o'clock on Saturday morning, and was shewn up to me. He immediately mentioned to me that he had seen capt. Sandon at Portsmouth; that capt. S. had communicated with him upon the subject of this Inquiry; he said, that capt. S. had asked him how he should conduct himself; that he had told capt. S. that there could be no rule for his conduct, but one, which was to adhere strictly to truth, to tell every thing he knew, that it would not at all avail him to do otherwise, even if he should have an inclination, because he would be examined, I think he said, by the united ability of the country. He then told me, that capt. S. told him that he had some letters upon the subject of his transactions with Mrs. C. and that he had a note, which is the note in question, which he believed to be in the D. of Y.'s hand-writing; that that note he had shewn to capt. Tonyn before he was made major Tonyn, in order to induce him either to keep the deposit which he had made, or to replace the deposit which he had made, I cannot exactly recollect which; that deposit he had threatened to withdraw in consequence of the delay between the first interview he, capt. Sandon, had with capt Tonyn, on the subject of his promotion, which he represented, I think, as being nearly two months; that there was likewise another note, which note had been delivered, as he stated, to major Tonyn, which was a note saying he was to be gazetted to-night, or in words to that effect. Col. Hamilton told me he had given strict injunctions to capt. Sandon to preserve the note which he represented as in the D. of Y.'s hand-writing, and which I understand now to be the note about which there has been so much inquiry here, the original of which has been produced, and every paper. I said to col. Hamilton, that nothing could be more correct than his instruction; that it still remained to be seen what the terms of the note were, and to be judged of whether it was the D. of Y.'s hand-writing; I desired col. Hamilton, therefore, to go to capt. Sandon, and to desire to look at the note, and to take a copy of it, and to repeat his injunctions in the strongest manner, to preserve all the papers, and among the rest the note. Col. Hamilton returned to my house, I think it must have been considerably before one o'clock; it was after twelve or about twelve; he told me, that he had repeated those instructions, that he had taken a copy of the note, which he brought to me, which I perused, and found to be in the very terms of the note which has been since produced; and he added, that according to his opinion and belief, it was the D. of Y.'s hand-writing. I then told him that such circumstances must be immediately communicated, and I wished him, therefore, to go to Mr. Perceval, with a note which I wrote, and that I would follow as soon as I could. Col. Hamilton went to Mr. Perceval, which I know, because I found him there, and had told Mr. Perceval the story before I arrived. Mr. Perceval and myself deliberated upon the course to be taken, and having understood from col. Hamilton's representations (for I believe neither of us ever saw capt. Sandon till he came to the bar of this house) that capt. Sandon had been applied to by Mrs. C. and I think he said Mr. Wardle, but I will not be sure, and Mr. Lowten, to go to them, it was Mr. Perceval's suggestions, and my own, I believe mutually almost, that the most advisable course for us to direct col. Hamilton to take, was to instruct capt. Sandon to hold no further communication with any person whatever till he appeared at the bar of this house, and likewise to instruct him, to preserve the note and all the papers he had spoken of. Col. Hamilton received those instructions at Mr. Perceval's house, and went, as I presumed, to make the communication immediately to capt. Sandon, which was to be done before two o'clock, because Sandon had promised, as we understood from col. Hamilton, to give his answers, to the persons who had desired to see him, at that hour. After having given these directions to col. Hamilton, it was agreed by Mr. Perceval and myself, that this matter ought to be communicated to the D. of Y. and it was further agreed by us, that the matter should be brought before the house of commons by us, in case it did not make its appearance in the evidence of capt. Sandon. I went in search of h. r. h. the D. of Y. but it was the evening before I saw him; I communicated the matter to him, he expressed his surprise and astonishment, and declared the impossibility of his ever having made any such communication, and wished immediately to go to Mr. Perceval; we went to Mr. Perceval's together, where he made a similar asseveration, and again at col. Gordon's. I did not see h. r. h. again till between three and four o'clock on Sunday the 5th, and I did not see col. Hamilton until Sunday at one o'clock, when I saw him for the purpose of learning whether he had executed the delivering the instructions to capt. Sandon in the manner that Mr. Perceval and myself had required; col. Hamilton told me that he had delivered them in the very terms; that capt. Sandon had said, that he, col. Hamilton, might depend upon his, capt. Sandon's, obeying his instructions; but that he would be extremely angry with him, or extremely enraged with him, I am not sure which was the expression, for he had already disobeyed one of his instructions, he had destroyed the note; upon which, according to col. Hamilton's representation, he said, 'Good God, have you destroyed the note?' Of course I expressed myself to a similar effect to col. Hamilton when he made the communication to me respecting the destruction of the note. I went to Mr. Perceval, according to appointment made the day before, and communicated to him this fact, as stated by col. Hamilton; this became again the subject of our deliberations, and we again determined that it was our duty, as members of parliament, to bring the matter forward, leaving it to ourselves to judge in some measure, with regard to the time of bringing it forward; and in order that there might not be a possibility of supposing that we brought it forward or kept it back according to circumstances, it was determined to make the communication to certain members of this house. Accordingly the facts, as I have now stated them, were communicated to lord Castlereagh, to Mr. Canning, to the Attorney and Solicitor General, to lord Henry Petty, to Mr. Whitbread and to general Fitz-patrick. This brings the fact down to the transaction in this house.

Mr. Lowten is employed as an agent of the D. of Y.? He is.

Has Mr. Lowten been in the practice of examining the witnesses that were produced in support of the charges against the D. of Y.? I really do not know whether he has or not.

When you stated the circumstance of this Note to the D. of Y. did the Duke state that he never had written such a note with a view of influencing capt. Tonyn, as it has been represented by capt. Sandon, or that he had never written such a note at all to Mrs. C.? The D. of Y. stated, that he was perfectly sure that he had never written such a note; that he had not a recollection of it at all.

Did he state to you, that he had never written to Mrs. C. upon the subject of military affairs? He always stated to me, that, to the best of his recollection, he had never written to Mrs. C. on the subject of military affairs, and that, if he had done it, it must have been very rarely.

Have you any objection to state what were the grounds of your withholding this communication from the house till the period it was brought forward? The ground that influenced my mind was, that I thought if the communication had been brought forward at an earlier period, it might have embarrassed the course of proceeding in the Inquiry, at the instance of the gentleman who had set it on foot, and that, in considering the whole circumstances of the case, justice would be better obtained, whatever the effect of that note might be, by keeping it back till the period when it was allowed to transpire. I can only say now what were my motives and reasons for that conduct; that was what influenced me in the opinion I gave in consultation with Mr. Perceval upon that subject. I mentioned that I did not see the D. of Y. again till three or four o'clock on Sunday; at one o'clock on Sunday I was informed, by col. Hamilton, of Sandon's having declared the note to be destroyed. Between three and four o'clock on Sunday I informed the D. of Y. of that fact. I think it right to state that as a material fact in the case.

You have stated, that one motive which you had for keeping back the mention of this note to so late a period, was, lest you should embarrass the gentleman who brought forward this inquiry, by the premature disclosure of the note; explain to the committee how that disclosure would have embarrassed him more than the cross-examinations which took place, when the witnesses appeared at the bar? I considered this note, and the transaction respecting it, the disclosure respecting its destruction, to form one of the most extraordinary features that I had ever known of in any case. If I had been in the course of examining witnesses much in this proceeding, I should have avoided cross-examining to that fact, thinking the mode that was adopted a more satisfactory means of bringing it forward; and I believe it will be found, that there was no cross-examination of Sandon to that fact, nor any thing that could lead to it; and therefore, answering to the motive, and not to the fact, I can only say it does not strike me that this stands upon the same footing as the ordinary cross-examination of witnesses, according to my conception.

Why should its being an extraordinary feature, prevent its being presented at an early period; is it usual for extraordinary features to be kept back in evidence in Courts of Justice, when they relate to the evidence that witnesses examined in chief, are given to the Court? I conceive, that being possessed of a fact of this sort, which I found it my bounden duty, in conjunction with Mr. Peceval, to bring before the public, whatever its consequences might be, and which the royal Duke, I believe, had expressed a desire to Mr. Perceval, should be brought before the public, that I had a right to exercise my discretion, in conjunction with Mr. Perceval, to bring it before the public at the time that, according to that discretion, we should think the best, meaning honestly and distinctly at all times to bring it before the house.

You have stated, that you thought that the purposes of justice would be best answered by not bringing this fact before the house sooner than it was brought; will you explain how the purposes of justice were likely to be best answered by the delay in bringing forward the circumstances respecting this note? I can only state how I think the purposes of justice would be best answered; I cannot be so presumptuous as to say that the purposes of justice were best answered, but in my opinion they were, because it brought this particular feature of the case distinctly, clearly, and unembarrassed before the house; that if it had been mixec up in cross-examination, or brought forward i that shape, it neither would have appeared s distinct, nor have appeared so clearly the determination of the persons bringing it forward.

The right honourable SPENCER PERCEVAL, attending in his place, was examined.

(By Lord Folkestone.)

Have you heard the statement of the hon gent. lately under examination, and do yo wish to add any thing to that statement? am not quite certain that I heard the whole If it is wished that I should state the motive that influenced my mind not in keeping thi back, but in not bringing it forward before, conceived the case that was to be made agains the royal Duke was closed. When the communication was made to me, I thought a the first it was a very extraordinary circumstance; and when I found that the not was, as the witness represented it, destroyed coupled with the direct assertion of the roya Duke, that this note was a forgery, I though it to be a forgery, and I determined to ac upon the supposition of its being such, an upon that impression, and with a view th better to detect it, if it were so, I thought i better that all the witnesses that could in an degree have been concerned in that transaction, should have told their own tale to th Committee, before they were in any degre informed, by me at least, or by the cours that we took, of our being in possession of an fact, or inclined to make use of the information we had of any fact; it might break i upon their own plan of narrating it to the Committee; if it had been a single case, instead o a variety of cases, that were brought befor the Committee, I apprehend that there coul be no question; that on the part of the defence to that charge, those who intereste themselves in the defence could not be calle upon to produce any part of the evidenc which they thought material, till they had th whole of the case that was to be brought agains them laid before the Court; and considerin how the whole of these cases are, by means o the same witnesses, more or less, being brough forward upon them all; considering from tha circumstance how they were all connected, conceived it would be better that this information should not be given till it was closed

(By Mr. Brand.)

Was the introduction of this evidence settle upon the supposition that the note was actuall destroyed? Certainly my impression wa that the note was actually destroyed, and was after that impression was conveyed to me that the note was actually destroyed, that concurred with my hon. and learned friend i thinking that it was equally necessary that fac should be brought before the Committee; an perhaps I might be permitted to add, that, fee ng there was a considerable degree of aukwardness in the appearance of being backward to bring forward at the earliest period a fact so important as this fact was, we did think that our own honour would hardly be safe, unless we made a communication not only of the fact, but of our determination to produce it in the manner in which we did.

WILLIAM ADAM, esq. in his place, made a Statement, as follows:

It becomes unnecessary for me to state any thing in confirmation of what has been stated by the Chancellor of the Exchequer, but I think it right to state to the Committee, that the whole course of our conduct rested on a thorough conviction that the note was destroyed.

Mr. Whitbread and gen. Fitzpatrick bore testimony to the correctness of the hon. and learned gent.'s (Mr. Adam's) statement.

Mr. Whitbread said he was told the story on the Monday after Mr. Adam had become acquainted with it, and considered himself as the depositary of what was afterwards to be communicated to the Committee; he considered it quite certain that the Note was destroyed.

Mr. BENJAMIN TOWN was called in, and examined.

(By Mr. Charles Adam.)

State to the Committee your name? Benjamin Town.

I presume, then, you are of the Jewish persuasion? I am.

You have stated on a former occasion, that in your transactions with Mrs. C. she told you she could forge the D. of Y.'s name; are you aware that that word is applicable only to fraudulent transactions? That I cannot say.

Did you use it in that sense? No, I did not.

Did you, then, when you mentioned the word forge, only mean the word imitate? Those were her words, that she could forge the Duke's name, and she has done it, and she shewed it me immediately on a piece of paper.

Did you understand that word forge to mean imitate? Those were the words that she expressed.

Had you, before you gave your evidence here on a former occasion, read in the newspaper that part of Mrs. C.'s evidence, wherein she spoke of you as a Jew, and said, perhaps you might have stolen a letter or two from her? I never saw the paper, nor never heard of it.

Did you say that Mrs. C. had forged the Duke's hand-writing? She said she could, and she has done it; that she has forged the Duke's name, and she shewed it me on a piece of paper.

(By Lord Folkestone.)

What is your name? Benjamin Town.

How long have you had that name? My father's name is Town.

Does your father go by the name of Town? Yes.

How long has he gone by the name of Town? That I do not know.

Have you ever known him by any other? No.

Recollect yourself.—No, I have not.

What is your father? He is a Jew.

What is his trade? He is an artist, he teaches velvet-painting.

How long has he taught velvet-painting? Many years.

Do you remember your father carrying on any other trade but that of velvet-painting? That I do not know, he might; ladies have now and then, I suppose, asked him to recommend some jewellery to them, and I think he has sent different jewelleries to the ladies.

Did you ever know him go by the name of Lyons? No never.

(By Sir T. Turton.)

I understood you to say, that Mrs. C. told you she could forge the D. of Y.'s hand, and that she actually forged his hand in your presence? She said that she could, and she has done it, and she shewed it to me on a piece of paper, and I could not tell the difference between the two.

How could you tell it was the D. of Y.'s hand-writing? I did not know, only as she told me.

What do you mean by forging? I do not know; those were her words; I only tell you what she told me.

(By Mr. Wardle.)

Did you appear as a witness at the sessions at Clerkenwell? Yes, I did; it is a considerable time back.

Do you know Mr. Alley, a barrister, and recollect any such barrister at those sessions? Yes; he was, I believe, Mr. Smith's counsel.

State whether any thing in particular happened at that sessions with regard to your evidence? I do not recollect.

Endeavour to recollect whether Mr. Alley, in that court, used any strong expressions to you? I do not recollect any; he said that I was a Jew, and that all the Jews ought to be punished, or something of that kind; he made use of some language which I cannot recollect.

Is any indictment now hanging over your head for perjury? No.

(By Mr. Barham.)

Do you know of any proceedings? I know there is a proceeding, but I do not know upon what grounds; it is not against me; it is not belonging to me.

Are you sure that you are in no way connected with that proceeding? I do not know whether it is my sister or brother; I cannot tell which.

Are you sure you are no way implicated in or connected with that proceeding? No, I am not.

What is the proceeding, and against whom? It is so long since, I cannot tell; there have been so many, and Mr. Smith has lost them all, that I cannot recollect what he is doing, or what he intends doing.

[The witness was directed to withdraw.

WILLIAM ADAM, esq. made the following Statement in his place.

In my examination this evening, I have been asked whether h. r. h. stated to me, that he had not corresponded with Mrs. C. upon military matters; in answer to which, I said, that h. r. h. did not recollect ever having corresponded with her upon military matters; or, if he had, very rarely. The latter part of that answer is erroneous, and without that addition, of "very rarely," the answer is correct.

(By Lord Folkestone.)

Did the D. of Y. state to you, that he did not recollect ever having written to Mrs. C. about any military business whatever? The D. of Y. certainly stated to me, that he did not recollect to have written to Mrs. C. upon any military matters whatever. He afterwards said, that if he had ever written to Mrs. C. upon any military matters whatever, it must have been merely in answer to some question put in some letter of her's; and h. r. h. said expressly, that when she once stated something to him, early in their acquaintance, respecting a promotion in the army, he said, that was business that he could not listen to, and he never heard any thing more of it afterwards.

JOHN MESSENGER was called in, and examined.

(By Mr. Huskisson.)

What is your situation in life? I live with Mr. Parker.

What is he? A goldsmith.

Does he receive goods in pledge? He does.

He is a pawnbroker? He is.

Did Mrs. C. ever pledge any goods with Mr. Parker? Yes, she did.

Did Mrs. C. ever apply to Mr. Parker to discount any bills? Yes, she did.

Among the bills so discounted, were there any drawn by Mr. Dowler upon Mrs. Farquhar? Yes, there was one.

State the date of that bill, and the amount. —The bill was dated on the 11th of June 1805, at two months after date.

What did the bill purport to be? For 363*l.* drawn by Dowler and accepted by Farquhar.

What is the Christian name of Dowler? I do not know.

What is the Christian name of Farquhar? I do not know; Mrs. C. has credit by bill of Dowler on Farquhar.

Did Mr. Parker discount that bill? He did.

Was it paid when it became due? No, it was not.

Did Mr. Dowler draw any other bills? No, I believe not, not to my knowledge; I do not perceive any other bill drawn by Dowler.

Is there no other bill drawn in the name of Farquhar? None drawn by Farquhar; there are others drawn by Mrs. C., and accepted by Mrs. Farquhar.

Were those bills paid? No, not the day they were due; there was one for 100*l.* which we discounted for her on the 13th July 1805.

That was not paid when due? No; another on the 19th of September, drawn by Clarke on Farquhar at two months.

Was that paid when due? No; on the 27th of Sept. we discounted another, drawn by Clarke on Farquhar the 27th of Sept. at two months, for 100*l.*

Was that paid when due? No, I believe it was not; that is the whole that we discounted.

How were those bills taken up? We received on the 19th Sept. a draft of the D. of Y.'s, dated on the 18th Jan. 1806, for 400*l.* dated forwards three months; it was due on the 18th February.

How were the others taken up? On the 4th Dec., we have credited her with a bill of Bell on Pritchard, for 100*l.*; another drawn by Bell on Millard, for 100*l.*

Were any others taken up by any draft or check of the D. of Y.'s? We received on the 10th of Feb. 1806, a promissory note, drawn by the D. of Y., payable to Parker, dated on the 8th of February at four months, for 230*l.*

(By Lord Folkestone.)

Had Mr. Parker jewels or other property of Mrs. C.'s, in his possession, as a security for those advances? Yes.

Were there any bills in 1805? The one for 400*l.* was taken in 1805.

Does your book state what pledge was redeemed by that bill in Sept. 1805? It was discounted; no pledge was redeemed in September.

Did Mrs. C. deposit any goods in pledge, in the year 1805? That I do not recollect.

Does not your book state that? No.

[The witness was directed to withdraw.

[The following entry was read from the Gazette of Sept. 4, 1804:]

"48th regt. of foot, Lieut. Wm. Fry French "to be Captain, without purchase, vice Col-"quhoun, promoted in the 14th Battalion of "Reserve."

[The following entry was read from the Gazette of the 6th Oct. 1804.]

"25th regt. of foot, ensign Henry Crotty, "from the 48th foot, to be Lieutenant, without "purchase."

[The Chairman was directed to report progress, and ask leave to sit again.]

Mr. *C. W. Wynn* said that as soon as the names on the List were disposed of, he should take an early opportunity of bringing forward the prevarication of general Clavering.—Adjourned at three o'clock on Tuesday morning.

HOUSE OF COMMONS.

Tuesday, February 21.

[Convention of Cintra.] Lord *Henry Petty* rose and spoke as follows:—I rise, Sir, in pursuance of the notice I gave on the second day of the session, to call the attention of the house to the Campaign in Portugal; and, in so doing, I feel all the difficulty under which I labour, in consequence of the long and arduous Inquiry, in which the house has, for some time past, been engaged. An Inquiry which has entirely occupied all its attention, and engrossed all the public interest during the whole course of its proceeding; and I am sure that I do not, in any degree, undervalue the delicacy and importance of that Inquiry, or wish to dissemble the solemnity of the duty imposed upon the house in every step of the investigation. Yet I do think that the circumstances to which it relates, unfortunate as they are, would be rendered infinitely more unfortunate, if they should induce this house to suspend, for any time, its attention to the external situation of the country, to prevent its inquiry into the state of our affairs abroad, and, above all, into the application and direction of that military force, on which we must rest the permanent security of that army with respect to the constitution and government of which we are now inquiring, as the means by which we may be enabled to restore it to its purity, if it has been sullied; and not only to restore and improve it, but to transmit it, and the spirit which animates it, unimpaired to posterity. I hope that, whatever may have passed this session, this house cannot have relinquished the idea of giving its attention to the momentous and instructive transactions of the last Campaign in Portugal; to those events, the dawn of which were dressed in such brilliant and glowing colours; which in their progress, opened so many pleasing, yet delusive hopes, but which closed upon us in darkness and brought us, wearied, disappointed, dispirited, and dejected to the situation in which we find ourselves at this day. I therefore hope, that I shall be allowed to occupy the attention of the house, and to draw it to that part of the transaction, unfortunately but a part, connected with the Campaign in Portugal; and in so doing, I am sure that in this house it will not be thought that any form of inquiry, that has passed already, or any thing that has borne the name of Inquiry, has been of a nature to preclude the expediency and necessity of this house taking up the inquiry itself; because, with whatever respect I may view the individual and military characters of the persons who composed the Board of Inquiry assembled by his majesty's command, I must say, that constituted as that Board was, and directed as its functions were, that Board was a tribunal more incompetent to give satisfaction to the country, more irreconcilable with all the known and received principles of law and equity in this country, than any that has ever existed. And in order that I may be able to state that my opinion is in conformity with the best authorities on this subject, I shall, without detaining this house by going into any discussion of those authorities, state the opinions which they have held. I hold in my hand the opinion delivered by my lord Woodhouselee, on the subject of Courts of Inquiry. It is here asserted by that able authority, that although there is in his majesty a power inherent to convene such boards as Courts of Advice, yet still that their decisions have no binding effects on the party accused. And though it has happened, that persons suspected have been examined by them, the call was not founded in justice, nor can persons be compelled to obey them. In this opinion Mr. M'Arthur and Mr. Adey, two gentlemen who have also written on this subject, concur. But, sir, these are not the only authorities to which I can appeal, in order to support the validity of the opinion which I have given. There is in our history a memorable instance, in which the reference to such a court was pregnant with evils; yet will it be believed, that this very instance, which had proved in its operation so mischievous, and in its consequences so pregnant with evil, was the very identical precedent on which the servants of the crown recommended to their sovereign the formation of the late Court of Inquiry! I allude to the case of sir John Mordaunt, whose conduct was first submitted to a Board of Inquiry, which next sent him to a Court Martial, where he was acquitted upon the ground that the only evidence against him arose from his own answers tending to criminate himself.—Such an example is of itself sufficient to satisfy the house of the inconvenience and disadvantages arising from that particular mode of inquiry. I therefore do think myself justified in asserting, that a Court of Inquiry held as this has been, opening its doors to the public, calling upon the very parties to give their testimony, and drawing from them information by which they were to be subjected to criminal prosecution, was a tribunal calculated rather to defeat than to promote the ends of justice, or to give satisfaction to the public. Even by the constitution of the Court itself, it was impossible for it to inquire into any demerits beyond those of the officers. The result of the opinion of that Court has been, that no further proceedings are necessary; but that opinion of the Court leaves it open to this house to consider what has been the origin of the transactions by which, in the eyes of the public, though whether in the eyes of his majesty's Ministers I know not, the principal object of the expedition to Spain and Portugal has, notwithstanding the victory, valour, and success of British arms, been completely lost in disappointment and disgrace. I do sincerely hope that the duty we owe the dearest interests of our country, and our regard for our own immediate character, will not allow us to acquiesce in so discreditable a determination. It is necessary to call to the attention of the house, that in the month of May last an insurrection broke out at Madrid—that insurrection was followed by insurrections in the southern provinces, and those soon after by insurrections in the northern provinces of Spain. It is not my intention to discuss the extent of these insurrections, the information received, or degree of satisfaction that could have been obtained respecting them, by the government of this country, and which it might have been expedient for the government to act upon; but this I must say, that if, from the circumstance of these insurrections breaking out, any room was afforded for great military exertions on the part of the government of this empire, it could not have been found more fortunately situated with regard to military means than it was. There was, at that time, a considerable military expedition prepared under the command of a gallant military officer. It was prepared for distant service; but not only was this expedition so prepared, but government had other bodies of disposeable troops immediately applicable for service on any favourable emergency. There was a considerable military force in the Mediterranean, under the command of general Spencer, which had been originally sent out from this country to take possession of Ceuta; but when the expedition arrived for the completion of its object, the attack upon Ceuta was found impracticable. (Hear, hear!). A short time afterwards a new prospect of vigorous exertion opened upon the view of the noble lord opposite (Castlereagh); and a third army was sent upon a voyage of discovery and observation to look for an expedition in the Baltic. (Hear! hear!). Thus, by the course of unexpected events, his majesty's government, at the moment when called upon by circumstances for co-operation with Spain, had in actual readiness three distinct masses of disposable force. The noble lord (Castlereagh) was actually rich in his own failures (Hear! hear!). Every expedition that he had dispatched had so failed, that every distinct portion of our military force was perfectly disposable, and, in the aggregate, constituted such a mass of force, that if any object required the aid of the whole of that force the whole was applicable to it. I must think that the force under sir Arthur Wellesley was that which, at the time, was most disposable, because it was an expedition then nearly prepared, and ready for foreign service. Upon the information that was received by government, of the occurrences in Spain, an intention was conceived of affording the aid of a large force to that country; and to command the expedition that gallant officer sir A. Wellesley was appointed; and I will say that it makes no part of the complaint which I shall urge to-night, nor do I believe that it ever will be a part of the complaint urged by any man, that the appointment of that gallant officer was not perfectly satisfactory to the public at large, or that it was not an appointment which was calculated to promote the glory and interest of the country. Well, then, sir A. Wellesley was appointed, and the ultimate destination of the expedition was Portugal. And here it is necessary to pause and consider what the grounds were which could have ultimately led to the destination of the expedition to that part of the peninsula. There was nothing in the possession of Portugal itself; nothing in the possession of the port of Lisbon, as a source of immediate succour to the

Spaniards; nothing connected with the real interests of our faithful ally, the queen of Portugal, or of her subjects in Portugal, that could point out, much less justify, that destination. For, I will beg of the house to consider, that of all the calamities that can be inflicted upon a country, whether an ally or not, the conquest of it by a power that is not able to retain it, is the greatest; and for this reason, because it is thereby exposed to all the calamities and horrors of two revolutions. Such an operation subjects a country to all those calamities, of which the immediate evil inflicted by the hand of the conqueror is the least, for it never fails to draw out all the lurking vices that are often concealed in the bosom of society; and to bring all those dormant bad qualities into play, which never fail to accompany and aggravate the convulsions of a country. These are evils which are inflicted even by a change from good to better; but how much more must they be encreased when the change is from bad to worse! I therefore cannot, on any of these grounds, approve of the expediency of selecting Portugal as the destination of the expedition, and the scene of our first operations. Such an assistance this country could not be called upon to afford; neither was Portugal inclined to require it; and such was the only assistance we could give to Portugal independent of Spain. But, unfortunately, it is not a question of doubtful speculation. We now see the expediency of conquering Portugal independent of Spain; and we now have been taught that it is not on the Tagus that Buonaparté was to be restrained in his pursuits. In the progress of his unlimited schemes of ambition, it is not to momentary triumphs, to the eclat of public rejoicing, or to the firing of Park guns (hear! hear!) that his exertions are directed. But it is because he aims at ultimate advantage, and hopes for ultimate success and ultimate glory, that he looks with utter contempt at Portugal whilst he presses without cessation upon the provinces of Spain. Do I say, however, that there were no objects in Portugal which claimed our attention? By no means. There was in that country a French army and in its port a Russian fleet. The capture of that army and the possession of that fleet were of the highest importance to this country, and it had fortunately so happened, that at the time we stood not only ourselves, but beheld the enemy, in such a relative situation, as we had never before the good fortune to witness. We saw a French army in a position in which it was cut off from all means of assistance. It was situated in an unfriendly country. It was unexpectedly found to be so deprived of every succour by sea and land, that there was every reason to hope, that British valour would have to measure its strength with an army nearly equal in number, an opportunity which, unfortunately, it had seldom had. Every man who looked to the French army in Portugal might say that, whatever should be the fate of the other armies of Buonaparté, whatever views of aggrandisement they might be the means of promoting, here at least was an army cut off from all possibility of relief, an army that must be forced to pay the tribute due to British valour, and submit by British exertions to confusion and defeat.—The expectation was justifiable, not only with a view to the honour to be acquired, not only as it respected the triumph that would be obtained by British arms, but as it would ultimately have saved Spain from the pressure of such an army, if by our means it should have been removed. This expedition, however, required several important and necessary considerations to be attended to most particularly. It required, that the most positive and clear instructions, with regard to its nature, should be given to the officer who was to have the conduct of it.—The expedition being intended to act in different situations, according to the different circumstances in which it found the country that was to be the scene of its operations, it was, above all things, necessary that it should be properly equipped for the service; that the commander, to whom the discretion of conducting such an expedition was entrusted, should at least have had the opportunity afforded him of choosing his own ground; that after such discretion was confided to him, he should at least be continued in his command. This every man who looked at the object and character of the expedition must admit was essentially necessary to insure its success. But it seems that the shores of Portugal were not the first object of the expedition. It fluctuated between the northern and southern coasts of Spain; and I shall shew to the house that the suggestion of carrying the expedition to Portugal, far from having been founded upon any previous original determination, was taken up in 48 hours, upon the suggestion of the Spanish Deputies. I shall state what appears upon the Papers in my hand.

If you will refer to the Letters to admiral Purvis, and sir Arthur Wellesley, you will find what was the original destination of the expedition.—The convoy which sailed with the expedition was applied for on the 14th of June. But I beg the attention of gentlemen particularly to the Letter of the noble lord (Castlereagh) to sir A. Wellesley, dated 21st of June, both because it is evident from that Letter, that the destination of this army could be no other than Spain, and because it contains the exposition of the noble lord, the principles of which I wish had been attended to, but which unfortunately seem to have been departed from. He says, "it is better to "bring the whole force together, than to "trust to a junction on the coast of Spain;" but from that moment every thing was trusted to a junction on the coast of Spain. After the principle had been laid down, that the whole force should be brought together, sir A. Wellesley's expedition sailed separately, and the cavalry belonging to it sailed separately; gen. Moore's expedition sailed separately; gen. Acland's expedition sailed separately, the whole of the Ordnance sailed separately, and the junction of all these forces and equipments was left to be effected on the coast of Spain. Look, then, to what was the direction of this expedition afterwards. You will find three letters addressed, one to admiral Purvis, one to gen. Dalrymple, and one to gen. Spencer. The letter to admiral Purvis states, that sir A. Wellesley is about to sail to the north coast of Spain; and, as it was of importance that he should be provided with intelligence, which government had not to give him, admiral Purvis is directed to write to him on the northern coast of Spain, and to furnish him with instructions, and with such intelligence as he might deem important; and it is stated that sir A. Wellesley is instructed to pay obedience to him, as to the application of the force under his command. No instructions to that effect to sir A. Wellesley accompanied this communication. The letter to gen. Spencer informed him that sir Arthur, who was to go to the north of Spain, was to co-operate with him (gen. Spencer) off Cadiz; so that the machinery by which this expedition was to be worked, was, that admiral Purvis, who was off Cadiz, was to send requisites to sir A. Wellesley, who was in the north of Spain, which were to induce sir A. Wellesley to send orders to gen. Spencer to the southern coast of Spain where he was. These letters were accompanied by a third to sir Hew Dalrymple, whom we shall presently see making a more conspicuous figure in the history of this expedition. We shall find gen. Dalrymple, who was kept behind the scenes, and who was not thought fit to fill the office allotted to admiral Purvis, now brought forward.—All these letters were dated upon the 28th of June, and all were without any corresponding instructions to sir A. Wellesley to comply with the requisitions he might receive in consequence. The 28th passes, and on the 30th the whole of this plan for probable action in the north or south of Spain, and for co-operation in either according to circumstances, is over-turned by one single suggestion of the Spanish Deputies in London.—We now come to the Instructions of the 30th of June, when the whole of the plan was altered. On the 30th of June the noble lord writes to sir A. Wellesley, that, in consequence of an opinion given by the Deputies of the northern provinces, it was deemed advisable to direct the efforts of the British Army to the expulsion of the enemy from Portugal. I cannot but think it a most extraordinary thing that these provincial Juntas, who could not concert measures for the defence of their own country, should know how to advise the means by which a British Army was to co-operate with them. However, so it is.—The Deputies of one of these Provincial Juntas are employed to advise his majesty as to the best way of employing his troops elsewhere. I then knew as little as this house did, of his majesty or his majesty's ministers listening to the suggestion of the Juntas, who, I believe, were more actuated by the desire of not seeing the expedition come among themselves than any thing else, and who, seeing his majesty's ministers determined on having an expedition, thought that the best way would be to suggest some destination that would take it away from their country. On the 30th of June, in opposition to all the previous designs, the only direction is, as the words of the Juntas were, "to expel the French from Portugal," words with respect to which general Dalrymple says, if they were selected for being equivocal, they would not have been more so. Yet you will find much of counteracting the designs of the enemy, much of assisting our allies; but of precise instruction, nothing that does not come under the words, "to expel the "French from Portugal." On the morning of the 30th, these Instructions were sent; on the night of the 30th there came something more—new Instructions were furnished in consequence of fresh dispatches from sir C. Cotton, that there were only 4,000 men left to defend the forts of the Tagus. Upon this information so received, not a moment of hesitation is felt. Whether any previous information had been received of the state of the French army in Portugal, I know not; nor whether it had been stated how the army, which had amounted originally to 20,000 men, was diminished to 4,000, I believe no such information had been received, though there was not a country in Europe of the state of which every statesman, and every merchant in this country, was more informed than the friendly country of Portugal. Upon this information of sir Charles Cotton, however, it is thought fit to set out upon the expedition to Portugal. The information was found to be false. Lisbon and the other fortresses of Portugal were discovered to be occupied in a way which reduced the British Commander to the necessity of executing the service, which he had been appointed to, very imperfectly. And this brings me to consider the state of the equipments for the expedition.—Sir A. Wellesley has told you, that although he sailed under these Instructions of the 30th of June, he yet conceived himself to sail with general powers, and liberty to apply his force to any quarter, in which he conceived he might be serviceable to Spain.—One would have thought that, with the latitude allowed to general Wellesley, there being hardly a point on the coast where cavalry would not have been most useful, cavalry would have formed a considerable part of the force under his command. Those who have looked at the papers on the table know there were but 300 cavalry, out of which 200 only were effective.—We have the authority of sir A. Wellesley for saying that there is not a point in which cavalry would not be serviceable, and yet this expedition is set on foot with cavalry only to the amount of 300. How far this want of cavalry affected the fate of the expedition, the result has shewn, and to whom is that want attributable? But, afterwards, when the noble lord had better information as to the French force in Portugal, that instead of 4,000 men, Junot had a force of 20,000, with a large proportion of cavalry, we shall find the noble lord, if we refer to his Instructions of the 15th of July, stating his opinion with respect to cavalry; the noble lord at the end of that letter states, that a proportion of cavalry will accompany the troops. If gentlemen will turn to the account, they will find the proportion of cavalry that were embarked to have been 700 men; that the cavalry with sir John Moore's expedition amounted only to 700 or 800 men, and that there never were more than 1,500 cavalry in Portugal, even including general Stewart's expedition, which, in point of fact, did not sail till the 9th of August, about ten days after sir John Moore's, and did not arrive at the Tagus till the month of September; therefore, the amount of cavalry pointed out by the noble lord, as that for which transports would be required, was but 7 or 800.—Now, the house must recollect, that in August 1807, when there was no hope of making any impression upon the continent; when no intention of making such an attempt was entertained, and when, of course, there was no occasion to have many transports in readiness, the noble lord felt so much dissatisfaction at the preceding administration's want of them, that he put a Resolution on the table of the house, declaring, that he had provided transports for 4,000 men; that there they were; that they wanted nothing but services. When there were no expeditions going on, then the noble lord was quite at home; then he had a plentiful supply of transports. But in 1808, two months after the insurrection had broken out in Spain, it appears that 800 is the limited number for which he has provided the means of conveyance, and in his dispatch of the 15th of July, he tells general Wellesley, that as great proportion of cavalry, as his means of transport will enable him, shall be sent, and that great proportion turns out to be 700 men!—So much for the cavalry employed in sir A. Wellesley's expedition: but there is another part still more singular. I have in vain sought for explanation with respect to this part. I mean the equipments of the artillery and horses. Except from the single evidence of sir A. Wellesley, I have been able to procure no information. He says, that when the expedition sailed, it being uncertain whether it might not remain long at sea, and it being doubtful in what part of the peninsula it might be serviceable, it was thought advisable not to take good horses to draw the guns.—I have heard of cases where it has been necessary to have particularly good artillery horses. I have heard of cases where it has not been necessary to have any artillery horses at all; but this is the first time in my life that I have ever heard of an expedition in which it was expedient to have bad artillery horses. It is the first time I ever heard of an expedition, the nature of which was such that it was necessary to work it up with bad materials; or that, because the expedition itself was uncertain, and the plan not fixed, therefore, if by chance it should become otherwise, the instruments were to be imperfect and insufficient, as it will be found these were. The account of colonel Robe describes the horses as sick, lame, blind, cast off, and unfit for service; and this was not by accident, but by concert between lord Hawkesbury and the Lord Lieutenant of Ireland, before the Expedition sailed from that country. Thus appointed, the expedition proceeded to Corunna. At Corunna the General was directed to take the advice of the Junta. The Junta, finding no use for him, desired him to go to Portugal. You will find that the Junta of the Asturias applied to the General to come back, because they had the French in their neighbourhood. The Junta of Gallicia desired him to keep at a distance, as they apprehended nothing from the French, and they seem to have had no more partiality for the one than the other. The General debarked his troops in Mondego Bay. While he was doing this, a new scene opened. The gallant General sailed on the 12th of July, conceiving himself to be the Commander-in Chief of the expedition, which was to effect the destruction of the enemy in Portugal. And yet three days after that a new commander-in-chief is appointed. In fact, not only one, but six general officers superior to him in rank are successively sent out to Portugal. If gentlemen will look to the Papers upon the table, they will see the different dispatches appointing these different commanders, all dated the 15th of July. Among others, there is the commander-in-chief, who a short time before was thought a person of little importance at Gibraltar, but now thought a proper officer to be commander-in-chief, not, however, permanently, but for the present; for it seems, that the noble lord, when he appointed sir Hew Dalrymple commander-in-chief, had it in his head to give the army another commander over him, had the campaign continued. Having appointed all this variety of commanders, having sent sir A. Wellesley to undertake a system of operations on the coast of Portugal, having sent general Burrard to supersede him, and general Dalrymple to supersede general Burrard, designing to send another general out to supersede general Dalrymple, it is entertaining to see the noble lord recommending persons so superseding each other to act together in harmony. The noble leader of the band puts all his instruments out of tune, throws them into a strain of discord, and then conjures them to be harmonious. By this time, however, the noble lord was himself become completely ignorant of who was the commander in chief; they had been appointed in such rapid succession, he knew not to whom he should address himself as such, and all his future Instructions were therefore directed to the senior officer for the time being. The noble lord too, in writing to the senior officer for the time being, acquaints him that the nature and character of the expedition require that it should be followed up without delay; and yet every letter sent to the senior officer is only to be opened by him, in case some other senior officer has not superseded him. I could have conceived in some part of this system of the noble lord, in superseding the commanders, a reason which might have led the public to acquiesce in the propriety of placing in the first instance, one gallant general over sir A. Wellesley. When it was resolved to deprive sir A. Wellesley of the chief command, and to send to Portugal the force under sir John Moore, the unprofitable employment of which in another quarter was by no means chargeable upon him, one should suppose that this gallant officer was most likely to be sir Arthur's successor. Had this change been made, although I should not desire the removal of sir A. Wellesley, still I should applaud the feeling which pointed out the successor. But no, such a successor was not thought of by the noble lord. No respect was manifested for the feelings of sir John Moore. On the contrary, it seemed to have been studiously provided, that in all the changes, that highly meritorious officer should not have even a temporary command. He who throughout his life had displayed so much skill and valour, so much zeal and patriotism; and who had conducted his army with such distinguished judgment through a long, a fatiguing, and perilous march; he, who would have saved that army from all danger had his views been duly seconded, was not considered by the noble lord as deserving of any attention, for on the very day that sir Hew Dalrymple was appointed to the command in chief, orders were sent out that sir Harry Burrard should supersede sir John Moore. A more unwelcome appointment to gen. Burrard could not have been given. I am sure nothing could be more repugnant to his mind than to learn that he was to command 14,000 men that had come from Sweden, and who, if employed, could not have been better disposed of than under the command of sir John Moore.—There yet remains one point with regard to the equipment of this expedition, to which it is necessary for me to call the attention of the house. I mean the Instruction in the letter of the 15th of July, as to horses. After stating the various measures taken by his majesty's government for a supply, it is stated that the great expence of rendering the army maintainable on its landing, has determined his majesty to trust to the resources of the country, as there was no doubt it would furnish every species of supply. Such was the confidence expressed with regard to the supply that Portugal was to afford. I will beg gentlemen to refer to the examination of sir Arthur Wellesley, and they will be enabled to judge how far Portugal was a country, on which, from considerations of expence or delay, any reliance was to be placed for obtaining the necessary supplies for the army. You will find that sir A. Wellesley was of opinion, that no exertions whatever could have drawn from Portugal a supply of bread. A little further he states, that the supplies of cattle for slaughter were not sufficient for the army; and in his letter to general Burrard he states, that Portugal is a country that never fed itself for more than seven months in the year; and yet this was the country on which the noble lord, from considerations of expence, was to rely, not only for sustenance for the army, but for the means of facilitating the rapidity of its motions. The noble lord is not often œconomical; but when his œconomy does come forward, it produces considerable effect. He deals with it as some men deal with their wealth, only to make a display of it. Philosophy has been stated to be a "good horse in the stable, but a sorry jade on the road." The same may be said of œconomy, but the œconomy of the noble lord is of a different nature; it is always on the road, never in the stable. In times of peace, when no expeditions are going forward, then we have transports for 4,000 cavalry kept in readiness; but in time of war, when every thing depends upon rapidity of movement, then his œconomy will not allow more than transports for 7 or 800 horses; and with respect to the horses that are to draw the artillery, his œconomy makes it necessary that they should be lame and blind, and unfit for service; lastly, his œconomy in providing the necessary equipments for the army is such, that the supplies are to be drawn from a country, which has not the power of supplying itself with the means of existence for more than seven months in the year.—After all that I have mentioned with regard to the representations made to the noble lord, upon the necessity of sending out a supply of Cavalry, we find that so late as the 2d of August, the Instructions given to gen. Stuart were merely to call off Oporto, in order to see whether our army required the support of cavalry; and this officer did not land until after the battle of Vimiera. In the letter of the noble lord to sir Arthur Wellesley, which is dated the 19th of August, after the surrender of Dupont, the retreat of Bessieres, and the flight of Joseph Buonaparté from Madrid was known; after the appointment of so many general commanders; after circumstances had called for such rapid and decisive action, I perceive that the noble lord expresses a hope, that the events alluded to would enable sir Arthur Wellesley to commence operations without delay; the noble lord adding that he had the fullest reliance not less on that officer's "decision than his prudence." Such are the terms in which the noble lord addressed a general, whom he had determined to supersede. That the noble lord should profess to rely so much upon an officer whom he meant to remove, appears rather singular.—It may be said, that to correct the mischief of the successive appointments of these commanders a curious experiment was resorted to. A letter was written to the Commander in Chief, stating, that all the officers, including sir John Moore, were to understand, that although the gallant general (sir Arthur Wellesley) was superseded, he was superseded only *de facto*, and not *de jure;* and that although they were placed in a situation, *de facto*, above him, they were in a situation, *de jure*, below him; that, although they were in a situation higher, in point of rank, they were lower in respect of command and power. How that produced harmony, or was likely to produce harmony, we shall see after we have gone through the last stage of this history. Sir Arthur Wellesley landed between the 1st and 10th of August at Mondego-bay, and having been apprised of the progress of the Spaniards, and the surrender of Dupont, he commenced a bold system of operations, which led him to march along the coast, and with respect to which movement, we have sir A. Wellesley's own word for saying that every thing depended upon the celerity of the execution of the plan; a plan which has redounded so much to his honour, and supported by British bravery, could not have been otherwise than successful. In the prosecution of this plan, the battle of the 17th took place at Roleia, and was crowned with victory.—After this success, sir A. Wellesley received the intelligence of his being superseded, from his successor, sir Harry Burrard, who arrived off the coast of Portugal on the 18th, but was prevented by circumstances from landing immediately. To this successor all the defects in the state of the army, which I have mentioned, were immediately obvious. He saw the want of cavalry and of artillery, and also the insufficiency of the country to afford provisions; and these form the grounds upon which that officer rested the justification of his subsequent conduct. On the 21st sir Harry Burrard landed, and saw the result of the glorious battle of Vimiera, having superseded sir A. Wellesley on the preceding day, although he did not think proper to interfere with his conduct of the engagement. Sir H. Burrard's reign, however, was but short; for, on the 22d, another commander in chief appeared. The north wind brought sir H. Burrard; the south sir Hew Dalrymple; and scarcely had sir Harry's sun risen, when it set for ever.—Here I must say, that it is but justice to call the attention of the house and the public to the very peculiar situation in which sir Hew Dalrymple was placed. He had just taken the command of an army which he had never before seen; and landed in a country with which he was not acquainted. He was committed to a system of operations upon which he had never been consulted. Never, perhaps, was any military officer more delicately circumstanced. I think, general Dalrymple describes his situation in terms peculiarly appropriate; when he stated that all the responsibility is vested in him, and all the direction is vested in others. One general directed the expedition; another general concluded it; and a third directed the consequences that were to flow from it. It was under these circumstances that general Dalrymple arrived in Portugal, and concluded the Armistice which ultimately led to the Convention. It is most particularly necessary that we should be in possession of the circumstances that led to the conclusion of the Convention. They were entirely founded, as we have the authority of this officer for saying, on the situation in which the army was placed. The want of cavalry completely disqualified our army from following up the victory of Vimiera. That want produced the pause on the 21st, which enabled the French to rally and resume their positions. Under these circumstances sir Hew Dalrymple assumed the command; and from the causes I have assigned he gave his consent to the Armistice. He found the army in good health and spirit; but with only 130 cavalry and an inefficient artillery; he felt that to pursue the French was dangerous, if not impracticable; and as to the junction of sir John Moore, our army did not derive any reinforcement of cavalry from that junction which could enable it, with effect, to pursue the French, who were so much superior in that description of force, particularly after passing Torres Vedras, where the country becomes more open; so that the want of cavalry to support our infantry, and with artillery to act with it, produced the unfortunate result of this expedition.—But there was another reason which induced them all to act as they did, which was, that no other object had been communicated to them by the noble lord but that of reducing the French, and driving them from Portugal. Such had been the communication to generals Burrard and Dalrymple; though none had been made to sir A. Wellesley to that effect. Although sir Arthur, previous to his leaving Ireland, had constant communications with the noble lord, yet they were not of such a nature as afforded him any light, with regard to the noble lord's objects. It appears that the gallant general was in want of every thing necessary to enable him to act with the decision becoming a general officer, entrusted with such an expedition. First, and most materially, he was in want of sufficiently precise instructions. He was in want of cavalry and artillery-horses, and to these deficiencies was to be attributed the conclusion of the Armistice, that fatal and ever-to-be-regretted Armistice, which, let it be ever remembered, transferred to Spain an army that had been locked up in Portugal, which had released that army, and carried it to ports so near the Pyrenees, that before the end of the campaign it was found on the theatre of war, acting hostilely against Spain. Looking, therefore, to that as the principal object of our possession of Portugal, I apprehend that no consideration of releasing our own army with a view to its assisting Spain, could justify the Armistice which set at liberty the army of general Junot; because, when the British army marched into Spain, it could only keep in check an army equal in number to that which it had kept in check in Portugal. The honour of the military character, says sir C. Cotton, who looked on as a spectator, was concerned in a Convention, by which a French army, twice beaten, was set at liberty when there were 30,000 Englishmen in the field. Whatever may have been the causes of that Convention, this house cannot do otherwise than, in conformity with the opinion expressed by his majesty and the whole country, declare it to be a Convention which has disappointed the hopes and expectations of the nation. But the house, I think, ought not to stop here. It is fit it should expressly state, that the Convention itself arose out of the inadequacy of the equipments of the army, the want of necessary information, the want of cavalry, the want of artillery horses, and the want of sufficient instructions to the commanders. I think, then, that the house cannot help following up the Resolution. I shall propose, first that it is the opinion of this house, that this Convention has disappointed the hopes and expectations of the country, and this I mean to follow up with another Resolution, expressing, that to the misconduct of his majesty's ministers the failure of the expedition is in a great measure to be attributed.—There is one part of the case upon which it will not be necessary to detain the house at any length; I mean the maritime Convention. I have said, that one object, which led our army to Portugal, was the existence of a French army there, and that another object was the existence of a Russian navy in the Tagus. Under the existing circumstances of Europe it would have been a matter of the highest importance to convince the government and the people of Russia, of the hazardous nature of the war in which they were engaged, and of the danger of risking the consequences of a contest against the naval superiority of Great Britain. How this was achieved it will be necessary shortly to state. It appears that so late as the year 1807, it had been suggested by lord Strangford, that it might be possible to reduce the Russian fleet, by blockade, to such a state as would in all probability lead to a maritime Convention. This was followed up by a letter from the admiralty to sir C. Cotton, authorising him to conclude a maritime Convention upon the terms in which this Convention was concluded. Having stated this, it is only necessary to say, that it is known to those who have seen and perused these papers, that, from the time these instructions were first conveyed, not a word of instruction was afterwards received by sir Charles Cotton respecting the Russian fleet. Nothing was communicated to him that could authorise him to believe that the former instructions had been suspended [Lord Castlereagh, 'Certainly not!'] Lord Henry Petty in continuation—The noble lord then means to admit, that sir C. Cotton was right. What I have to observe upon that head is this, that circumstances were materially changed by the insurrection in Spain, and by the expedition to Portugal, and yet not a word of additional instruction is sent to sir C. Cotton. On the contrary, sir Charles Cotton remains in September with the very same instructions he had received in April. He goes on and concludes the Convention, and then it is that the Board of Admiralty write a letter to sir C. Cotton, in which they do not condemn him for applying at one time the instructions meant for another period; but they blame him for introducing a new principle of maritime convention by which the ships were to be returned. Yet this was precisely the principle which had been suggested by the noble lord, on the 16th of April, and nevertheless when sir Charles Cotton has concluded a Convention upon the same basis, the noble lord thinks it ingenious to turn round upon the gallant admiral, and exclaim, "Thou can'st not say I did it." I say it was the noble lord himself, who introduced the principle, and that it is owing to him we have had the mortification of seeing Russian ships enter our ports in any other situation than as prizes. I am convinced the circumstances that occasioned that mortification did not originate with sir C. Cotton, but with those who sent him. We do find that something like an Instruction upon this point was transmitted to sir Hew Dalrymple; for he tells us that a letter was received by him upon the 3d of September, and that if he had received it before, he never would have held out to the Russians the hope that their ships should be considered other than as prizes; so it seems that this letter, which would have induced him to have considered the Russians in a different point of view, he received so late as the 3d of Sept., the expedition having sailed a considerable time before that. The letter which was intended to guide his conduct, was not received until long after the Armistice was signed —an Armistice by which the men and officers on board the Russian fleet were sent, not to assist the French against the Spaniards, but to assist the Russians against our faithful allies the Swedes.—Then if it is true that the military Convention disappointed the hopes and expectations of the country, surely the maritime Convention is equally open to reprobation. I trust that the house, before it comes to a decision upon the Resolutions which I shall have the honour to propose, will look at the situation in which gen. Junot and his army are placed by the Convention. It is but within this short time that you, sir, in one of those Addresses, in which, as the organ of this house, you conveyed its sense in a manner not less acceptable to those who received than to those by whom you were authorized to express it—you stated, that in the glorious battles they had fought, their swords had not been drawn in vain. As far as valour and skill were concerned assuredly their swords were not drawn in vain; but for any purpose of solid advantage to ourselves, or of affording assistance to our allies, I would ask of any person whether they were not drawn in vain? I would ask our allies the Spaniards whether those battles have not been fought in vain? I would ask the people of Biscay, Gallicia, and Asturias, who have recently tracked the desolating progress of the enemy, whether those battles have not been fought in vain—I would ask our own countrymen, who shed their best blood before Corunna, against that very army which had been transported from Portugal to fight them, and of which army the only officer we captured was a member, whether the battles of Vimiera and Roleia had not been fought in vain—I would ask even the people of Portugal, whom we have now abandoned, or must speedily abandon, whether the skill and valour so gloriously displayed in these battles, was not displayed in vain—whether, in a word, our gallant countrymen did not draw their swords in vain?—It has been argued that our attack upon the French in Portugal was rendered advisable, in order to make a diversion in favour of the Spaniards, and to prevent Junot from sending any reinforcements to his countrymen in Spain. But those who rely upon such an argument in favour of the expedition, must be ignorant of the situation in which Junot was placed. This situation fully appears from his own intercepted letter. In this letter, which is dated June 7, and which was addressed as a confidential communication to the duke of Berg, Junot states that he is so hampered and alarmed by the apprehension of insurrections among the Portuguese and by the presence of the British fleet off the Tagus, that he could not afford to send him a single man. Then let the house compare the situation of gen. Junot in June, with what it was in the December following, when he was quelling insurrection in Spain, and assisting to drive the British army to Corunna. What had intervened between July and December? A British expedition! British success! British victory! (Hear, hear, hear!) I hope, at least, that the result of the Vote this night will be to give some important instruction to the country, and that those who have been attributing the failure of our expedition to other causes, will come to a distinct Vote, that they will inform the country, if they are of that opinion; that although the expedition was properly commanded, yet it was convenient that the Commander should be changed; that although it was proper there should be a large force of cavalry yet that it was not inconvenient to have scarcely any cavalry at all; that although it was proper to have efficient artillery horses, yet it was no detriment to the service to have horses that were wounded, lame, blind, spavined, and cast off; that it was necessary to have the most precise instructions given to the Commanders; and yet that it was no fault in his majesty's ministers to have abstained from giving any instructions at all. I am sure the house will act a right part if it should come to a decided opinion upon the subject. We have been warned that we ought to guard against the language of humiliation, and to prevent ourselves from being depressed by the appearance of the sinking fortune of the country. The language that infers national humiliation I do not approve of; but if results such as we have seen are to proceed from British valour, if such are to be the only fruits that we are to reap from victory, all that I can say is, that the language of humiliation best becomes this house. But if valour and victory only lead to misfortune and disgrace, let us point out to whom the language of humiliation ought to belong. If the glory of armies be rendered unavailing by the weakness of our councils; if valour in the field be defeated by incapacity in the Cabinet, let us at least discriminate.—With this view, I shall propose, with deference to the house, the adoption of Resolutions intended to record a most important commentary on the past, and to present a most instructive lesson for the future.—The noble lord concluded by moving the two following Resolutions:

1. "That the Convention concluded at Cintra, on the 30th of August, 1808, and the Maritime Convention concluded off the Tagus on the 3d of September, 1808, appear to this house to have disappointed the hopes and expectations of the country.

2. "That the Causes and Circumstances which immediately led to the conclusion of those Conventions, appear to this house, in a great measure, to have arisen from the misconduct and neglect of his majesty's ministers."

Lord *Castlereagh* thanked the noble lord for the very fair and satisfactory statement he had given. He agreed that ministers were bound to vindicate, not the commencement merely, but the issue of the military transactions in Portugal, and he thanked the noble lord for the distinct, clear, and peremptory manner in which he had brought it forward, which if ministers could not meet they did not merit the confidence of parliament or the country. He confessed he was rather prepared to expect that the noble lord would have proposed an additional inquiry, and would have argued that the inquiry already adopted was not sufficient for attaining the ends of substantial justice. He congratulated the house, however, on the knowledge, that if the course adopted by government was not altogether approved by the noble lord, he did not quarrel with it; at all events, he did not ask for any farther inquiry. He could not but think, therefore, that the noble lord had rather been guilty of some small share of supererogation in the observations which he had used on this subject. Boards of Inquiry had been adopted in the most important periods of our military history. If government had pursued another course, and assembled a Court Martial, they should to-night have heard that they were pursuing a narrow system of concealment as to themselves, and that they had provided for their own safety by the trial of the officers employed. He prided himself, however, on thinking that he had adopted a course which the noble lord could not impeach; and that though sir H. Dalrymple had no objection to a Court Martial, or any other investigation, the mode adopted by government was one calculated to satisfy individual feelings and public justice, and which the noble lord did not attempt to arraign. He trusted, therefore, the house was now about to decide finally upon the transaction itself, assuring them, that there was nothing which government had more feelingly at heart than that the subject should be sifted to the bottom.—He was perfectly prepared to follow the noble lord into all his general points. He thought, however, the noble lord had gone a little too far in saying, that all our exertions had failed, that all the swords of our gallant countrymen had been drawn in vain. This was a cruel retribution to make to all those who had bled for us. That all the consequences of the operations were not such as we could desire, was perfectly true, but the failure, he was prepared to prove, had resulted from causes beyond the power of government to controul. If a power which could only act a secondary part on the occasion did fail, under circumstances that no ministry could direct or obviate, he thought it could make no charge against that ministry, especially when it was recollected that the result was not yet, perhaps, finally ascertained. If a government, entrusted with such extensive means as he allowed his majesty's government had been on the occasion, could be proved to have been deficient, or wanting in assiduity or zeal, they had a heavy responsibility to answer, and a difficult cause to plead before that country, which had so entrusted them. Under this impression and admission, he was willing to meet the question; and had every expectation that it would terminate in the exculpation of his majesty's ministers.—As to the object of ministers in sending expeditions, as had been stated, in search of employment, he would only say, that he was sure the expedition sent to Sweden, and that preparing at Cork, were fully as beneficial in their effects to the country, as those sent to Egypt or the Dardanelles. Ministers had at the commencement of the campaign, a disposable force of 5,000 men under general Spencer, at Gibraltar; of 10,000 men at Cork, under sir A. Wellesley; and he would ask, was it not better to send those forces to the immediate aid of the cause, than to delay them until additional succours could be provided in England? The force under sir John Moore could not be calculated on immediately, as its getting free of the Baltic was uncertain. So that there was no probable chance whatever, that these three corps could be brought speedily to act together on the same service, still less in one expedition. They would, at all events, however, have amounted only to 25,000, and was this an army competent, as had been sometimes stated, to seize on the Pyrennees, through which instead of one pass there were 43, and where, instead of an army of 25,000 men, we should have to contend with a French force of 100,000 men in Spain, and upwards of 400,000 men in France, according to the calculation of the right hon. gent. (Mr. Ponsonby) who suggested the propriety of such an application of the British army? This, however, the noble lord had not attempted to defend, and it was plain he considered the Pyrennean expedition a forlorn hope.—The question then was, what was it most advisable to do with the remaining disposable force? And here he begged to make some observations on what fell from the noble lord, who seemed to think, that because they had formerly laid a Resolution on the table stating that they had transports for the conveyance of 4,000 horses, they should have been prepared with at least an equal number to meet the emergency which they were then considering; that a resolution of such a nature had been brought forward he admitted, but he and those with whom he acted, did not think it right to continue that expensive establishment, instituted for a particular purpose, and unnecessary when that purpose was no longer in view; acting upon the system of Mr. Pitt, they had not entirely laid aside the force, but they had reduced the number, and diminished, without destroying, the establishment. The only corps, then, that could be reckoned on, were those under his right hon. friend at Cork, and those under gen. Spencer. Now, would the noble lord think it wise to keep the corps at Cork, until the 10,000 additional men could be procured? Could he recommend such a conduct to ministers? A conduct as little consistent with the rules of policy, as it would be grateful to the feelings of the country at large. It had also been objected, that there was a contrariety in the Instructions given to sir A. Wellesley: there were two distinct sets of Instructions given to that officer, the first of a general nature, the second particular, in consequence of the information derived from sir Charles Cotton, but they were not contradictory. The noble lord seemed to consider it a proof of great want of wisdom, that the government at home was not able to give specific instructions in all cases, and bind up their generals by particular mandates, adapted to all possible circumstances. That there might be cases in which it would be culpable to omit those specific instructions, must be allowed; but if ever there was a case, and that there was no man could deny, in which it would be wrong to fetter the judgment of an officer, it was that in which his right hon. friend was concerned. When our expectations in the South of Spain were disappointed, we did not know what effect our exertions in the North might produce in the South. But the question was not left to the discretion of his majesty's government. Portugal decided for herself, and they were in possession of her demands for assistance. He wished that the noble lord had thrown more of the responsibility of this business upon his majesty's ministers, and not shared it between them and the Junta of Gallicia. The Junta did concur, even with a view to their own interests, in the expediency of an attempt in Portugal. It was objected, however, that in the letter to admiral Purvis Spain alone was mentioned, as if it was necessary to tell the admiral of the alternative, when the only object of the letter was, that sir A. Wellesley might get information as to the state of Spain, which perhaps might have directed his views for the time from Portugal. Gen. Spencer, it was true, had been sent in the first instance to Cadiz, and not to Portugal; and the plain reason was, that if he had arrived in the Tagus before the main force under sir A. Wellesley, it might have been a signal to the enemy to concentrate his forces, and thereby present a greater power to us than he could otherwise have done. But the noble lord complained that no communication had at this time been made to sir H. Dalrymple. That officer, however, was not then Commander in Chief, nor in any way concerned in the questions which were proceeding. General directions were given to the officers employed to proceed, according to the information they might receive; but when certain information was obtained, a peremptory order was given to them to proceed off the Tagus. Then, if the measure itself was not unwise, the next question was, if there was any thing in the equipment which was wanting. The question in this respect had been greatly narrowed since it was originally made a subject of discussion. First, the whole failure was imputed to ministers:—they had sent out an expedition totally destitute of every thing:—Of ammunition, of artillery, of provisions, of tents, of every thing:—in short, wholly destitute. He now found that the deficiency of artillery horses, and the situation of Portugal with respect to the supplies relied on from it by government, were the things principally to be relied on.—The other questions of equipment for the reduction of the forts, heavy artillery, heavy ordnance or travelling carriages, &c. were not now likely to be urged. He wished to know if he ought to construe the silence of the noble lord into an acquittal on these points, or if he was to call the attention of the house to them. In calling their attention to the principle of equipment, he wished them to distinguish between an army landing in a country, and an army proceeding on its march after having landed; and stated, that an advancing army in general depended upon the country which it went to succour, for supplies. By supplies he did not mean provisions; for he could assure the house, that all the expeditions to Spain and Portugal carried with them provisions for three months, exclusive of the transport provisions, which amounted to eight weeks more. But it would be requisite for them to consider how to move, and what measures would be necessary to enable them to eat their provisions. The noble lord seemed to think, that an army had nothing to do but land and instantly penetrate through the country; but an army required a great supply of cattle to convey those provisions and other necessaries, and in general he believed the amount of cattle to be half the number of the men. This greatly depended upon the season of the year, &c. In the Austrian army so great a proportion as even one half was usual; so that if an army consisted of 30,000 men, probably 15,000 horses and other beasts of burden might be wanted. Therefore, it was not surprizing that for assistance of this kind they should depend on the country; and it was also necessary that an army should land at some distance from the enemy, in order that it might have time to create and collect the means to enable it to advance. This was an inconvenience to which every expedition, sent by a naval power, must be subject. When a want of artillery horses was complained of, the noble lord must have willingly shut his eyes to the reinforcement which was immediately to follow from England, and which made all the artillery horses to amount to 778. If sir A. Wellesley's means had been more liberal, there was no doubt but his services would have been more brilliant; but, at the same time, there could hardly be a question that he would not have advanced, if he did not think his means sufficient to the object of occupying the city of Lisbon, and the forts of the Tagus. Sir H. Burrard also knew that sir J. Moore's army had arrived, and that he might expect the equipment of artillery horses, &c. which belonged to it. Instead of 300 horses, therefore, there were 678 artillery horses. For his *countrymen* (the horses from Ireland) he must be allowed to say a few words. They did not shew themselves to be so bad as the noble lord represented them in the battle of Vimiera. They were very much admired by the French, and 100 of them had been actually selected to pursue the campaign in Spain, through one of the most fatiguing marches ever made by an army. Such were the *feats* of the so unjustly and ungratefully abused *Irish horses.* [A laugh!] It was, however, a question, whether an army was useless without horses at all. In Egypt we had only about 150. The same was the case when sir Ralph Abercrombie was in Holland. All he meant to say was, government was not culpable, unless it had the means of sending out the horses in the first instance, and thought that an eligible course, and yet neglected to adopt it. In gen. Wolfe's battle, the picture of which was so universally known and admired, we observed that the sailors drew the guns. The noble lord reverted once more to the Irish horses, which had been acknowledged to have done their work well, and to have performed a most difficult and fatiguing march in an uncommon manner. On the whole march only 33 of them had fallen, 12 or 13 of them being killed. So that instead of being bad horses, as the noble lord had said, they had proved hardy Irish horses; and, so far as he had been able to trace their history, they were the best and most serviceable of any in the army. As to the want of cavalry, the noble lord did not suppose it would be contended, either that they could have been sent sooner, or that sir A. Wellesly should have been kept back till they could be sent. At all events, it would be sufficient if they could be shewn to have been equal to the enemy. In the whole they would have amounted to 1,500 rank and file, and the enemy were never more than 14 or 1500.—There were two other charges which the noble lord (H. Petty) had not gone into; these were, first, that there were no heavy artillery; secondly, that there were no artillery travelling carriages. As to the first, he presumed to think that it did not require any extraordinary share of military charity to believe that if his right hon. friend sir A. Wellesley did not know that he was in a condition to possess himself of the city of Lisbon and of the forts on the Tagus, he would not have thought of advancing without the necessary artillery. It appeared, however, that while heavy artillery could with the greatest facility be got from the ships which were in possession of the banks of the Tagus, the roads were so extremely bad, that no travelling carriages could pass along. The noble lord had said, that nothing was more blameable than a generality of terms of Instruction to officers.—He could by no means, however, agree in thinking, that there was any thing improper in giving discretionary power. He thought it was hardly possible, that in any extensive military operations the chief command should not change hands. In the Low Countries it happened that, on one occasion within the period of 48 hours, no fewer than four such changes took place. (A laugh.) His lordship did not mean to say that there was any advantage in that circumstance.—He proceeded to pass some compliments on the conduct of sir H. Dalrymple, who had acted in the most delicate matters with regard to Spain, with a strength of mind and acuteness of judgment which had inspired his majesty's servants with the greatest confidence in him; not only was there no complaint against him, but he had acted with the greatest propriety, skill, and bravery.—He differed from the noble lord opposite (H. Petty) in his ideas of the advantages resulting from the campaign in Portugal. Was it nothing in a short campaign of three weeks, to have taken possession of a country of great strength; to have defeated an army of 25,000 men; to have liberated an whole country from the grasp of our enemy, and to have restored it again to its own people and its native government? Was it nothing to the military character and glory of the country to have assembled such an army, and to have gained two such victories? Was it nothing to have restored Portugal to its legitimate sovereign? It was no doubt natural to have expected something great from so successful and gratifying an effort. It was natural to expect, after a victory where the public feelings had broke loose, that they should not be easily satisfied. He for one was of that mind; but he was satisfied that if the intelligence of the victory and the armistice had come at the same time, every thinking man would have received it differently. It was a heated and hasty feeling which the public had suffered to be too much indulged. As he went along with the public in this feeling, he felt himself entitled now to reproach the over-indulgence of it. It had been his painful duty to signify to sir H. Dalrymple the disapprobation of government as to some articles of the Convention, in which interference was had with the feelings of other states, but with that exception he could not on cool reflection withhold from the Convention his tribute of approbation.—The noble lord had expressed his surprise that no instruction had been given to admiral Cotton, to direct his conduct, except that of the 18th of April The instruction of the 18th of April was given without any view to the subsequent circumstances. It was merely applicable to a case of starvation, which alone was in view at the time. And after that, it was thought proper to leave his plan of co-operation with the army to his own discretion. The subsequent instruction on the subject, to sir H. Dalrymple, was given to prevent cavil, and was not thought very necessary. The Admiralty thought the conduct of the officer proper; but judged it necessary, generally, to set their faces against the principle of the conditional surrender of ships. During the whole course of the operations in the Tagus, it was not proved that the Russians had taken an active part against the Portuguese; and there was nothing in the conduct pursued by sir C. Cotton that appeared to be at all reprehensible. This was a question on which the mind of the country had been very much irritated. He trusted that the course pursued had been the best. If the government had proceeded to investigate the transaction by a Court Martial, instead of a Board of Inquiry, the information obtained would have been much narrowed. The whole of the case had been brought before the house by its having been referred to such a tribunal. He did hope he had submitted to the house ground for his opinion, that the Expedition against Portugal was a most wise and expedient measure, and that the various plans of operations suggested as preferable, would have been in some cases visionary, and in all dangerous; that the object of the expedition was the best that could be adopted—and the equipment the most perfect which circumstances would permit—that the execution was as complete as the nature of the case would allow—and that there was no failure, except what resulted from causes which neither the administration nor the officers could controul. If the equipment of the expedition was maintainable, the result of the operation was such as at any other time would have satisfied the feelings of the country. It had expelled 25,000 men from Portugal, put the Russian fleet into our possession, and released from a tedious and hazardous blockade a British squadron of nine sail of the line. The Resolutions of the noble lord would answer no beneficial purpose. If the house should agree with him that the first proposition was unnecessary, he hoped that they would also concur with him that the second was unjust. His lordship concluded with moving the Previous Question upon the first Resolution, declaring that he would take the sense of the house upon the second.

Sir *George Nugent,* in so low a tone, as to be scarcely audible, stated his reasons for having approved of the Armistice and Convention; and, as they were founded upon the insufficient equipments of the army, gave his support to the original motion.

General *Tarleton* observed, that the noble lord below him (lord H. Petty) had delivered one of the clearest, most comprehensive, and most convincing speeches that had ever been pronounced within the walls of that house. While the noble lord opposite (Castlereagh,) instead of confining himself to the subject before the house, which related to Portugal alone, had wandered over the Pyrenees—given a lecture on the qualities of Irish horses—mounted his Rosinante and then dismounted—and yet after all, the house he believed would agree with him, that he had not rode post. The noble lord asked, whether it was possible for an army to move immediately on its landing? He answered, yes, and he would give an instance where this was done. When sir Wm. Howe was sent to New York, he landed with his cavalry and artillery, after having been a long time at sea, and moved forward the same day, and shortly afterwards came into action. To follow the noble lord through the whole of his course, would ill become him at that hour of the night, and therefore he would at once come to the subject. What was the situation of the armies previous to the Convention? The French must have been dispirited, and the situation in which they were placed was extremely critical and hazardous. The situation was well known to have been a very miserable one. He had to cover an extent of ground of fourteen miles, which was the distance between Lisbon and fort St. Julien. If they meant to defend fort St. Julien, they could not occupy so much ground with advantage; and their situation at Lisbon must have been a bad one.—He agreed in the opinion, that it would have been useless to have encumbered the army with heavy artillery. This could be landed from the fleet, and with such an army and such advantages as we had, there could have been no great difficulty in landing 14 or 15 pieces of cannon, which would soon have reduced fort St. Julien. Lisbon and the country were friendly to us and hostile to the enemy. But then it was said that the Russians might act against us. But the British fleet might act also. He professed himself as entertaining sentiments of respect, individually, for the several officers composing the Board of Inquiry, and he was sorry to be obliged to express an opinion hostile to that which they had delivered as their conclusion upon that Inquiry. That the parties accused should be allowed to justify their conduct by any means in their power was most natural, but that seven officers of such known experience and talent should agree in the decision they came to, appeared to him most extraordinary. He totally disagreed with the Court of Inquiry as to the opinion that the French could pass the Tagus and occupy Elvas; and was astonished that the Board could have admitted such a plea. The Tagus was one of the most rapid rivers in the world, and four miles broad at Lisbon. Now, though he would not follow the noble lord over Spain for the sake of spending time or for amusement, he must cite a fact from history: Lord Cornwallis was shut up in York Town, with this advantage, that he had not been beaten—he had to cross a river only one mile broad, his horse and artillery were on the other side: his boats were ready in a bay defended from the enemy, and the two points of the crescent, which the bay formed, were defended by redoubts, and he had no plunder to carry over,—the event there was well known. The French had a river of four miles to cross; they had to carry over their artillery, their horses, their plunder, and all their baggage, and yet notwithstanding all these disadvantages, they had procured from us the Convention which had been so much reprobated, and this was the result of two brilliant victories—a result which had disgusted Spain and Portugal, and covered England with disgrace. If ministers had had the judgment to allow the right hon. general (sir A. Wellesley to have conducted the whole of the operations, the result might have been different. He respected sir Hew Dalrymple, but he thought it a most extraordinary proceeding in ministers to remove that officer from a situation where they themselves had said he was so useful, in order to place him in a new one, of the nature of which he at that time knew very little. This was admirable foresight! They said, that it would have been doing injustice to many officers in the army to have continued sir A. Wellesley in the command. But when they had appointed him to conduct an operation, they ought to have allowed him to finish it, as the immortal Chatham had done with regard to gen. Wolfe. But the right hon. general had been told, that a successor would soon be appointed, and thus that honourable ambition which so well became a soldier was roused to do something before he was superseded; and this, perhaps, induced him to proceed rather rashly. He would not pursue this topic further now, as the conduct of the gallant officer had already been approved of, but he thought he could convince that gallant and hon. officer himself, that there was something rash in the action of the 17th, and something wrong in that of the 21st. He reprobated the instruction given to the superior officers to consult an inferior officer, on all occasions, as indecent, and also censured the rage for a change of commanders, which the ministers had evinced. But the noble lord, in justification of this, had mentioned a a similar case in the armies of Austria. The noble lord, however, did not follow this up by saying that, owing to this circumstance, the Austrians had made a successful campaign. He thought the conduct of ministers reprehensible in various points of view in the management of this Expedition, and would therefore vote for the motion of the noble lord near him.

Sir *Arthur Wellesley* then rose. Before he proceeded to make any observations on what had fallen from the hon. general who had spoken last, he hoped he might be allowed to advert to some particulars in the speech of the noble lord who had proposed the Resolution. What the noble lord had said related partly to the government, and partly to the officers who had the conduct of the Expedition. For the plan and equipment the government was answerable; for the execution and the result the officers, in his opinion, were alone responsible.—He had given it as his opinion, and it was still his opinion, that the operations in favour of Spain could only be carried on with any chance of success, in conjunction with, and by the consent of the people and public authorities of that country, and therefore it was necessary to come to a right understanding with the Juntas before the commencement of the campaign. When he communicated upon the subject with the Juntas of Gallicia and Asturias, it was conceived that the expulsion of the enemy from Portugal would be a valuable object, not only with a view to the naval station which this would procure for us, but also with a view to support the operations in Spain. When he arrived at Corunna, they had heard of the defeat of their army at Rio Seco; and he then thought it his duty to offer to land his troops and to assist general Blake in covering the seat of their government. They said in reply, that they did not want men; but that the best service which could be done to them and their cause, would be to expel the French from Portugal. He had stated to the Board of Inquiry, and he now begged leave to repeat, that he had received a species of requisition, if it might be so called, from the Junta of Asturias, through sir Tho. Dyer, to drive the French from St. Andero. This Letter he begged leave to lay on the table. [Here sir Arthur read the Letter, which contained nothing material, except the desire that he would land near St. Andero, unless their situation should be soon altered. It was dated the 31st of June.]—It did not appear to him that this was a requisition of a nature that ought to induce him to relinquish the design on Portugal. He understood from the Junta of Gallicia, on mentioning the subject to them, that measures had been taken to expel the French from St. Andero, and that they considered it as a point of no importance, with a view to the possession of Asturias, which must have been his great object; and in answer to all that he said on the occasion, they repeated, that the best service that could be done to the cause of Spain, by the British troops, would be the expulsion of the French from Portugal. The view which they took of the matter was this, that if in possession of Portugal the British army might be a link between the northern and southern armies of Spain, which had then no point of union. In order to shew what importance they attached to this service, although threatened by the enemy from two points after the defeat at Rio Seco, they sent 2,000 men to Portugal to assist his operations in that quarter. The expulsion of the enemy was not only therefore an immediate British object, but a British object of great consequence, with a view to the future operations in Spain.—The next view that had been taken of the subject, respected the Equipment of the corps sent out on the expedition. Upon this head it would be recollected, that his majesty's ministers had received intelligence from admiral sir Charles Cotton that there were only 4,000 French in Lisbon, the rest having proceeded to Spain, and it could scarcely be alledged as a charge against them, that they acted upon the information of one, who had been eight months on the station, and might be supposed to have the best means of ascertaining with accuracy the real situation of the enemy in that quarter. He had then been ordered to go to the Tagus, and when the equipment was considered with a view to an attack under the information which he had just stated, it might be regarded as amply sufficient. But at the same time there might, no doubt, be other reasons for the choice made of horses for the commissariat and the artillery. It was obvious, however, that with the operations in the Tagus in view, such an ample equipment was not necessary, as would be required for those which he afterwards undertook. He must also state, that when he embarked at Cork he was to proceed to the coast of Spain, without any certainty whether he should be allowed to land at all, or if he should, where he might land; and it was therefore considered that the horses must suffer considerably from being kept a long time on board, and consequently those of an inferior description were chosen, which, under all the circumstances, might be best fitted for a service of this nature.—The next point to be adverted to, respected the operations which he himself undertook, on which the noble lord had said nothing. The hon. general however who spoke last had said that he (sir A. Wellesley) had been hurried forward by an honourable ambition to undertake an operation of considerable risk. Now, he wished to call the attention of the house to what had passed at the Board of Inquiry. He conceived as he had stated to that court that he had a larger British force than any which the enemy could bring into the field against him: he was, indeed, inferior in cavalry, but he expected to be joined by some Portuguese cavalry, which, together with the British, would form a respectable corps, though then, no doubt, he might in that respect be inferior to the enemy.—But under all these circumstances he asked, whether the hon. general himself would have hesitated, if he had been in his situation, to act as he had done? He assured the hon. general, that he would much rather follow his example in the field, than his advice in the senate, (Hear! hear!) He had the choice of two lines of march when he landed in Portugal, and, for obvious reasons, had chosen that along the coast. Besides the troops which he had under his command at the time, he had reason to expect reinforcements under general Ackland, sir H. Burrard, and sir John Moore. Now, in order to shew how well satisfied he was of the sufficiency of his own force to execute his object, he did not intend to have employed the corps under general Ackland in the field at all, but intended to have sent it to besiege

Peniche. When sir H. Burrard arrived, he had no longer the command, but he recommended to him a plan of operation for the corps of sir John Moore, and if that had been adopted, he should not this night have had the mortification to hear the noble lord propose a Resolution that the Expedition to Portugal had disappointed the hopes and expectations of the nation. That plan was, that sir John Moore should advance upon Santarem, with a view to intercept the enemy. He thought that the French would endeavour to cross the Tagus. That plan was feasible, not only in his opinion, but in the opinion of all the general officers who had given evidence at the Court of Inquiry, and even of the Court itself, which the hon. general would find if he would be so kind as to read the Report. Sir H. Burrard, however, thought proper to call that corps to the assistance of the army. It was not necessary now to enter into any discussion on that subject, but it was material to observe that this circumstance altered the whole system of operations.—With respect to the change of commanders, when he left England, he never expected to be continued in the command after large reinforcements had arrived, to the exclusion of many valuable officers. But at the same time he did not think that the command ought to be changed in the middle of expeditions—(Hear! hear!) In the course of a campaign the command might be changed without injury, but these expeditions were not campaigns, they were only operations. But as by the change of the commanders the whole system had been altered, this circumstance necessarily governed him in his subsequent views. His original plan was to have engaged the enemy as near Lisbon as possible, and to have followed up the advantage, which he undoubtedly expected, with the utmost expedition; by which means, he trusted, he would have got to Lisbon nearly as soon as themselves, and prevented their crossing the Tagus. His opinion still was, that if they had been followed closely after their defeat at Vimiera on the 21st, they would not have been enabled to cross the Tagus. He was no party to the question, and had never come forward as the accuser of sir H. Burrard, but, as he had conducted the previous operations—as he had commanded at Vimiera, and held himself responsible for that action, he thought his opinion ought to have had some weight on that occasion, and also with the Court of Inquiry; especially as that opinion had been supported by all the general officers whom he had then under his command. It had been said indeed, that a gallant general (Spencer), a friend of his, had given a different opinion; but notwithstanding the caution with which that gallant officer had spoken, yet a close examination of his evidence would shew, that he was, in fact, of his opinion; and, in answer to one of the questions, that opinion had been strongly expressed. It was upon the principle which he stated that he had advanced from Mondego Bay; and he never could understand, how the Court of Inquiry, which had approved of all that he had done, up to the close of the battle of Vimiera, could have said that these troops, which had been constantly beaten in the field, ought not to be pursued when beaten. He would certainly have pushed them so hard after that battle if he had retained the command, that it would have been impossible for them to have crossed the Tagus. But there was one part of the Report of the Board, with respect to the question of advancing after the action of the 21st, to which he must refer. The passage was this, "This very circumstance of a superior cavalry retarding our advance would allow the enemy's infantry, without any degree of risk, to continue their retreat in the most rapid manner, till they should arrive at any given and advantageous point of rallying and formation; nor did sir A. Wellesley, on the 17th of August, when the enemy had not half the cavalry as on the 21st, pursue a more inconsiderable and beaten army with any marked advantage; for he says (Gazette Extraordinary), 'The 'enemy retired with the utmost regularity, 'and the greatest celerity; and notwith'standing the rapid advance of the British 'infantry, the want of a sufficient body of 'cavalry was the cause of his suffering but 'little loss in the plain.'—And again, 'He succeeded in effecting his retreat in 'good order, owing principally to my want 'of cavalry.'"—Here, in the first place, although he meant to impute no blame to the Court of Inquiry, they must have thought him at least very inconsistent, if not very incorrect in his statement: now, he apprehended he was neither incorrect nor inconsistent. The fact was, that there were two parts of the action of the 17th—the one in the mountains, and the other in the plain.—In that part of the action which took place in the plain, the enemy had retired in good order. After the battle of the 21st they had retired in great disorder.—And the good order of the retreat in the one case, and the disorder in the other made all the difference. Although it might not be proper without an adequate force of cavalry to pursue the enemy closely, when they retired in good order on the 17th, it by no means followed, that they ought not to be pursued on the 21st, when they had been completely beaten, and had retreated in great disorder. The disorderly retreat of the enemy on the 21st was the ground of his opinion, that they ought to be hard pushed; and, if they had been vigorously followed up on that day he was satisfied in his own mind, that there would have been no reason for concluding the Convention, which had given so much offence. Now, as to this Convention it was rather hard to charge it upon the government, when, if a certain plan of operations had been followed, the reason for it would not have existed. The necessity for concluding the Convention had been ascribed to the want of artillery; of horses; of equipment of various kinds; but he was bound to state, that, in considering the propriety of concluding an Armistice, and afterwards the Convention, these circumstances had never been taken into account by him, nor by any of the officers concerned in the negociation upon that subject. The only question at all connected with the state of the army in point of equipment was, as to the difficulty of supplying it with provisions, when the whole of the troops should be collected.—The next point to which it was necessary to advert was, that which respected this Armistice and Convention. Here it was proper to consider the situation of the two armies at the time when the Armistice was concluded. The French, after the battle of Vimiera, had occupied a strong position, in which they would have been enabled to stop the progress of a superior force for three or four days. The advancing army, after being occupied for three or four days in dislodging them from that position, would have further to drive them from two or three other lines which lay between the main position and Lisbon. During the whole of this time the French might have been employed in preparations for the passage of the Tagus, which it would have been impossible to prevent.—An hon. and gallant general over the way had adverted to the situation of lord Cornwallis in the American war. Without entering into any comparison between Junot and lord Cornwallis, he had only to observe, that the situations in which they stood were very different. Lord Cornwallis was shut up in a town and actually besieged, but Junot, instead of this, might be said to have the military possession of the country. Then the hon. general said, "How was it possible to cross a rapid river from 4 to 6 miles broad, in such a situation?" Why, that was matter of opinion; and it was the opinion of all the officers who were there at the time, and of all the members of the Board of Inquiry, that it was impossible to prevent their crossing the Tagus. He had heard that it was the opinion of a high military authority (the Earl of Moira) that if the French had been driven to cross the Tagus, they would have been reduced to extreme distress. His answer to that was, in the first place, that it was the duty of Junot to have suffered that distress, however severe, rather than have surrendered at discretion, and there was no reason to believe that he would not have done his duty in that respect.—But in the second place he did not allow that the French would have been reduced to this extreme distress. General Loison had crossed the Tagus, quelled the insurrection in Alentejo, returned again by repassing the Tagus, and by this means removed the difficulties which the French might otherwise have experienced in the retreat to Elvas. But it had been said that Junot would have been obliged to surrender at last. This was true; but at what time of the year? After our army should have got possession of the forts on the Tagus it would have been necessary to put it in a situation of equipment fitted for reducing the fort of Elvas by a regular siege, and for this a considerable length of time would have been required. He (sir Arthur) affirmed that the British army would not be in a condition to reduce the fort till the beginning of December, and then it might be thought advisable to give the French army the same, or nearly the same terms, as those which were granted them in August. Considering the relative situation of the armies then, he did not think it disgraceful to allow the French to embark. He thought the gaining of time also an important object with a view to the operations in Spain.—He was aware that the presence of a British army there might be of the greatest consequence, in order to give the Spaniards strength in their own union, and to prevent their being cut off in detail. The same noble lord, to whom he had alluded as a high military authority, had said that the officers in the command of the expedition ought to have attended more to the great advantages which in the then situation of affairs would have resulted from compelling the enemy to lay down their arms and surrender at discretion.—But no such object had been prescribed in the Instructions to the officers commanding the British forces. Undoubtedly, as it was the duty of every officer, to endeavour to oblige a hostile force opposed to him to lay down their arms, there was no need of such Instructions.—But the question was, whether to prosecute that object they ought to have given up other material points in time and circumstances, and to abandon the advantages they had gained. It would not be as honourable to the British arms, if after pursuing the enemy into Alentejo, and the consequent loss of time and blood, the same, or nearly as good terms were to be granted to the enemy. If it was not disgraceful to have allowed the French to evacuate Cairo and Alexandria in Egypt, the Convention for the evacuation of Portugal could not be disgraceful. He allowed that the circumstances of the two cases were different, as was also the state of Europe, though he contended that the result in both was equally free from disgrace. There was one topic more to which he was anxious to advert, with regard to the Court of Inquiry. He perfectly agreed with the noble lord in the wish that this might be the last Court of this kind which should ever assemble. It was not a Court before which any officer would desire to be tried. A general impression had gone abroad, that this Court had been instituted by his noble friend out of friendship to him. It was rather hard upon him to be subjected to such a reflection; as, if he had been tried in any other manner, he must have been acquitted. As far as he was concerned, he must say, without meaning to blame any of the members, that this Court had been a source of injustice, and he therefore hoped it would be the last Court of the kind to which the investigation of the conduct of officers should be submitted.—As to the Letter sent by his noble friend, desiring his superior officers to consult him particularly, had he been aware of the existence of such a document, he should have felt his situation very uncomfortable. But he must say, that from the first hour these officers landed, nay even before they had landed, he perceived that he was not in possession of their confidence. He, however, had done every thing he could to forward their objects, though he differed from them in opinion. This was what he considered as the great distinction between military and civil inferior situations. If, in a civil office, the inferior differed materially from the superior, he ought to resign; but in military appointment it was the duty of the inferior officer to assist his commander in the mode in which that commander might deem his services most advantageous. If he thought himself capable of giving advice, and of suggesting plans, it was his duty to endeavour to carry them into execution. But, if the commander did not think proper to listen to his advice or suggestions, it was his duty to assist his superior in that way which to that superior might appear most eligible (Hear! hear!). This was the principle which, in his opinion, ought to regulate the conduct of military officers. It was a principle on which he had on that occasion, as ever before, acted, and on which he ever would act.

Mr. *Windham* should be sorry to have it supposed, that in rising after the hon. general, he had a wish to do away any part of the impression which his speech could not fail to have made. Nothing could be more clear, fair, and manly than the manner in which the hon. general had spoken of all the persons with whom he had acted, and of all the transactions in which he had been concerned. He (Mr. W.) must necessarily feel diffident in delivering any opinion on subjects of which he could know so little as of military operations; and was well aware that, in offering his testimony to the merits of the hon. general, he was offering what was of little value. But he could not, for his own sake, abstain from expressing how entirely he concurred in opinion with the views and conduct of the hon. general; not only in those parts where his measures might seem to have a voucher in success, however he might still think some of them questionable in point of prudence; but in those also where the intentions of the hon. general had been unfortunately over-ruled. Though there was nothing to which he (Mr. W.) was in general more adverse than to confident judgments on professional subjects from persons not professional, and that it might be true in part that the merit of an officer could not be judged but by a judgment on the merit of his particular measures, yet there was a certain character of talent and ability that might be capable of making itself visible even to persons the most unlearned, and might shew the superiority of one player over another even to those who were most ignorant of the game. It was impossible not to discern in the whole stile of the hon. general's conduct, those characteristic marks, which have at all times, and not least in those in which we live, distinguished the successful from the unsuccessful side, the victor from the vanquished.— But the statement of the hon. general, though proper for him to make, and satisfactory for his justification, was no vindication of his majesty's ministers upon the present question. Whilst it justified his character it was the condemnation of theirs. It was the glory of a military officer to achieve success under great disadvantages. There was no credit to be gained from good fortune, where there were no disadvantages to be encountered, no difficulties to be overcome. But, the glory of an administration consists in placing their officers in circumstances where success shall be easy, where they cannot chuse but win, and where of consequence their glory must be little. The merits of executive officers and of those who employ them move often in this respect exactly in a counter order. What is the boast of the officer, is the reproach of the minister; and the triumph of the minister in preparing an easy victory takes from the officer his means of distinction. The circumstances, therefore, which enhanced the merit of the gallant general constituted the blame of the ministers who produced them. As to the opinion expressed by the hon. general respecting the Convention, he must differ with him upon that point; though the reasons assigned for that opinion were perfectly neutral, so far as his majesty's ministers were concerned. Unquestionably, a *prima facie* responsibility attached upon ministers for every public measure; yet he would admit that, upon examination, the Convention was one of which they stood perfectly clear. But when he allowed they stood clear of the Convention itself, he did not mean, that there was not matter of responsibility in their preceding conduct; that they were not responsible for the manner in which they superseded the commanding officers; and for all the other circumstances which arrested the hon. general's career of success, and led to the Convention. The hon. general had certainly stated that the want of cavalry would not have prevented him from following up his victory. But had he stated, that it had not produced that effect in others? and was it not the reason principally insisted upon by the members of the Court of Inquiry, why the generals who refused to concur in that course, were justified in their refusal? He could not but believe, notwithstanding this opinion of the members of the Court, that the hon. general was right, and that if left to himself he would have accomplished all that he had said he could. He (Mr. W.) must fairly confess that he could hardly entertain a doubt upon that point. Still the doubt was entertained, and, in the opinion of the members of the Court, was rightly entertained, and it is this which in point of fact, prevented the victory from being followed up: and this doubt was founded almost entirely upon the deficiency of cavalry. So that, let who will be right, it was they, who, for whatever reasons, forbore to provide the army with a larger proportion of cavalry, upon whom it must be charged, that the victory of Vimiera fell so far short of what it might have done, and instead of the capture of the enemy's army, only produced their removal from Portugal, upon the disgraceful terms which we had witnessed. This was the great feature of the case, as it respected his majesty's ministers. This was the great connecting link, which made them responsible for measures in which directly, it is true, they had no share. They did not make the Convention. No: but they made that which did make the Convention; which rendered it necessary, as some say; but without which, it is agreed on all hands, the Convention would not have been made.—Was the result of the Campaign in Portugal such as to satisfy the hopes and expectation of the country? This was the first question to be asked, as the means by which it must be ascertained, whether there existed or not a *corpus delicti.* Upon this point the answer was unanimous, without the exception even of his majesty's ministers. There was a failure to be accounted for, a ship lost, for which the commander must be tried, whether blame must ultimately be imputed to him or not. In the present instance he would say confidently, that blame must be imputed somewhere, either upon the officers or upon the ministers. The Court of Inquiry was a tribunal very little competent to this purpose.

It was confessedly confined to half the object which the house and the country would have in view. In the manner in which the hon. gentlemen had conducted it, from motives and purposes of their own, it was wholly unfit even for that part of the subject which it did embrace, and was in every respect a most unjust and unconstitutional mode of proceeding. The true conception, as he apprehended, of a Court of Inquiry, was that of a set of persons delegated to inquire into the circumstances of any transaction, for the purpose afterwards of advising his majesty confidentially, whether there was ground for submitting the matter to an inquiry of a more judicial nature. They were a set of advisers and not of judges, or, if judges, judges who were to judge of nothing but whether the matter ought to be submitted to judgment. As far as resemblances and analogies might be admitted, (never very safe to be trusted to, they were), as had been observed, of the character of a Grand Jury: and therefore according to the analogy, as well as according to the nature of the thing, ought to have kept their proceedings secret. As a secret tribunal they were to determine whether they would advise his majesty to try his officers. But what the ministers wanted, was that, as a public tribunal, they should determine whether the country ought to acquit his ministers. They pervert therefore the whole nature of the tribunal, and have produced out of it such a strange, anomalous, and inconsistent proceeding, as was never known in the laws of this or of any country, and cannot be made conclusive to any purpose that shall be at once rational and honest. It is a trial and no trial. It can neither condemn so as to inflict punishment on the guilty, nor acquit so as to protect the innocent from further prosecution. In the mean while, witnesses are to be pledged, impressions made and facts prematurely disclosed, so as to render a fair trial before a regular tribunal no longer practicable. The cause of all this is to be found in the sinister purposes of the ministers on one side, and in their fears on the other. They wanted to hush up the business so as to prevent that full disclosure which a trial would bring out, and which might involve statements not so convenient to themselves. For this purpose either no inquiry at all, or an inquiry in the regular mode, with shut doors, would have been most convenient. But that the impatience of the public would not readily acquiesce in. To that the terrors of the newspapers were opposed. They therefore conceived and brought forth that monstrous production, unknown to our laws and our usages, an open Court of Inquiry, of which the only effect has been to throw dust in the eyes of the people, by a show of trial without the reality, and by making them believe, that what after all is said only of the officers, was to be applied to the ministers.—My noble friend (lord H. Petty) has been asked, Why, if he disapproved so much of the Court of Inquiry, he did not propose a substitute? But what is meant by a substitute for a thing that is past? A past measure cannot be displaced so as to have something put in the room of it. The measure must for ever *have been.* The effects of past measures may often be *corrected* and their force or operation reversed; but even that cannot happen in the present instance, and one of the complaints made is, that the proceeding is of such a nature as precludes the possibility of its being set right.—But, even supposing the establishment of this Court and its decision to be perfectly justifiable, what would it have to do with his majesty's ministers? The declaration, that none of the officers concerned ought to be put upon their trial, could be no justification of government. The Board of Inquiry had broadly stated, that it was the want of means that prevented the victory of Vimiera from being followed up in the manner in which the gainer of that victory would have improved his advantage. Agreeably to what he had before observed, the acquittal of the officers might be, and was in the present instance, the condemnation of the government. As to the measure of the Convention becoming then necessary, he differed from the hon. general in one point not military; and upon that the hon. general and the officers who composed the Board of Inquiry, appeared to him to have a fallacious view. It had been stated by them, that the object of the expedition was to procure the evacuation of Portugal by the French troops. This assertion he should deny. What advantage, it was asked, would it have been to Portugal to have driven the French troops into Spain? But might it not as well be asked, what advantage could it have been to Spain to transport the French troops in our ships to a port of France from which they could speedily march into Spain? If that was the original view of the expedition it was a false one.—There was another point touched upon by the hon. general, and with the same clearness and perspicuity which characterized the other parts of his speech, but from which he must dissent. The hon. general had said, that the advantages which resulted from the evacuation of Portugal by the enemy, and the time gained thereby, were equivalent to all that might have been lost in other respects. This he could not admit, because any time that might be necessary for the reduction of the enemy would have been amply repaid by its consequences. But if, after a considerable loss of time and much effusion of blood, the terms granted were to be such as they were, and that nothing could be done, then, though the Convention might be right, yet he must ask, why send an army to Portugal at all? If the object were not to compel the French to far other terms than those they obtained, he would never have thought of sending an army to Portugal. The hon. general had stated, that he thought himself competent with the force originally under his command to accomplish the objects of the campaign; it was therefore what he could not understand, why, when that force had been doubled and trebled, no more could be done than to bring the French to the terms stipulated in the Convention. If so, there was a want of prudence, a culpable precipitancy, in the original advance of the hon. general with so inferior a force; and what was to be thought of the conduct of those ministers, who had sent him out with such insufficient means? If the French force could not have been reduced, after the victories that had been obtained over them, before December, if the Convention was therefore justifiable, why tell us of the superiority of British troops? a superiority, by the by, of which he had always been convinced, and had uniformly declared, notwithstanding a base, degrading and degenerate opinion to the contrary, which had for some time prevailed amongst certain descriptions of persons in this country. Had the hon. general, if the Convention under all the circumstances was necessary, instead of gaining a victory, suffered a reverse, which might possibly have been the case, how could he have escaped from an enemy, that gained such terms, when opposed to a force so greatly superior to that the hon. general had originally commanded? Reasoning, therefore, upon their own grounds and admissions, he might ask, why his majesty's ministers had not waited till all the troops destined for the Expedition had joined, until they had collected a force sufficient to accomplish the total and complete military reduction of the French Army in Portugal? But no: they felt it necessary on that, as on other occasions, that they should appear to be doing something; that they should make a bustle; should support their characters for vigour: Portugal was the first object that presented itself, and they ran at it like an overdrove ox, and as that animal too is said to do, with their eyes shut; not having at all thought what they were to do till after they had got into the country. When a measure therefore came, by which, whether advantageously or not, the object was accomplished which they now profess to have had in view, viz. the getting the French out of Portugal, they were embarrassed with their own success, and were not at all prepared with what was to be the next step! Nothing, therefore, is more completely unfortunate, than the argument, which they now urge in defence of the Convention, namely, that it had the effect of getting the French out of Portugal sooner than could otherwise have been done: For, first, it is not true. The speediest way would undoubtedly have been to have conquered them in the first instance, as the hon. general would have done, with the troops that he had, and as the other generals do not deny that they could have done with a sufficiency of cavalry: next, it is not at all clear, that even when that opportunity was lost, the expulsion of the enemy by subsequent operations would not have been quite as speedy, and a good deal more satisfactory, than the method of Convention. But lastly, of what advantage was it to the hon. gentlemen, thus to endeavour to accelerate the evacuation, when, as it was, it came upon them before they were prepared for it. They are arguing therefore against themselves, when they give as a reason for adopting the Convention, that it sooner left them at liberty to transfer the army to Spain. If this effect was of so much consequence to them, why were they not prepared for it? Or why make such sacrifices for an object, which when they had got, they were not in a state to make use of?—These points, therefore, are established against them: 1st. That they are answerable for the Convention, good or bad as it may be, inasmuch as it is admitted on all hands, that it was from the want of means which they ought to have provided, that it became, or was thought, necessary: 2dly. That when they had got this God-send, they were not at all prepared to profit by it; and that therefore, 3dly, If the hon. general's success had been completed in the way that he had proposed, they would still less have been prepared; and have made it still more evident, that they had sent the troops into Portugal in the most headlong, blundering manner, without the least idea of what they were to do, or what plan was to be pursued in different results that might be supposed.—But the noble lord had attempted to answer a part of these charges, by justifying the state, in which the Expedition had been equipped originally and sent out; and asserting, that cavalry was not necessary to its success, because victories had been obtained without cavalry. Who had ever said, that victories might not be gained without cavalry? The glorious battle of Maida, the reduction of every fortress was an instance. I wonder the noble lord, when he was about it, did not cite the victories of St. Vincent and Trafalgar. There are battles however, which are not to be won without cavalry. But whether that were so or not makes no difference. The question here is not about gaining victories, but about improving them. The victory here was gained, and perhaps with no very material use of cavalry: but for want of cavalry it produced nothing but the Convention, instead of producing, as is hardly denied, the instant and unconditional surrender of the whole French army.—The hon. general had stated, that, as the Expedition had been originally destined against the Tagus, no cavalry was necessary. And here he must notice the sarcasm of the noble lord, in which, with his usual correctness of statement and argument, he had adverted to the Expedition sent by the late administration to the Tagus, to which no cavalry was attached. Unquestionably, on an expedition to the Tagus no cavalry was necessary, but though ministers now thought proper to say, that the present expedition had been originally destined for that port, he had hitherto understood, that the hon. general had been sent out with a roving commismission, not certainly authorising him to proceed to the East Indies, to Surinam or Buenos Ayres, but to commence operations upon any part of the Peninsula that he should think proper. The hon. general did land in a part of Portugal where cavalry was necessary, and consequently the want of that species of force produced the failure of the campaign, and constituted a heavy ground of accusation against the noble lord. It had been charged upon the late administration, that they had neither provided nor left to their successors any cavalry transports; but as they had no object for the employment of cavalry, why should they have put the country to the expence of keeping them? The noble lord had boasted, that, as soon as he and his friends came into office, they had provided transports for 4,000 cavalry; but if they had had no object for the employment of cavalry, the noble lord must have got the transports for the sake of his argument, and if so, he must say, that the noble lord's argument cost the country very dear. Yet when the occasion did occur for the employment of cavalry, the noble lord had no provision for their conveyance, and therefore so far as the Convention is bad, as it had been produced by a want of cavalry, so far ministers were condemned even upon their own shewing.—There was another argument which had sometimes been adverted to, and which had been renewed that night, as to the quality of the horses sent out with the Expedition, which it would be necessary for him to notice. It was said, that less valuable horses had been selected, in order that the loss to the public should be lighter in the event of their being destroyed; as if they had been sent out to be sacrificed! Why, the same reasoning may be applied to the ordinary comforts or necessaries of life; when we shall see at once its extreme absurdity. What opinion would be entertained of the understanding of a man, who should say, "give me a bad coat, a bad horse, or a bad house, as I shall then lose the less, if they be destroyed?" At this rate men must chuse their possessions upon principles the very reverse of those commonly followed, and instead of selecting the best of every thing, must endeavour to get the worst. This is not the common way. Men calculate commonly upon the value of a thing, while they have it, and not upon the loss they must sustain in losing it, which must be greater always as the thing is better. But the hon. gentlemen say, "this is a mistake; It is the loss and not the use that is to be considered. Chuse me that which I may part with, without regret." I suppose it was upon this principle, that the present Administration was chosen. But does it escape the noble lord, that in many instances things good of their kind, besides that the value of the use compensates the evil of losing them, are less likely to be lost? And that part of their excellence consists in that very circumstance? One of the excellencies of a house is that it may be expected to stand long. One of the advantages of a good ship that it is less liable to be lost. This is eminently true in the case of troops and armaments. The capture of good troops is, it will be admitted, a greater evil than that of an equal number of bad ones; but then it must be allowed, that good troops are less likely to be captured. Such a perversion of argument and common-sense never was heard of, he supposed, since the days when reasoning began till the present moment.—The noble lord had stated, that it would have been improper to send out a large army under an inferior general; that a large force required, as it were, a large general; but surely it did not follow from that position, that a small army must be sent out with a small general? It was not necessary that the general and the army should fit with such exactness. There was not the same danger in making the general too big as in making him too little. When he used the word 'little,' with reference to any thing that had passed, he certainly must be understood to mean, little in rank, not little in talents. Why, however, should they not put their best foot forward at once? Why not send out, in the first instance, the proper general with a small army, especially when that small army was to be immediately encreased to a large one? It was from the neglect of this principle, that the rapid supercession of the generals, and all the calamitous consequences of the campaign, had arisen. He could not conceive a more perfect recipe for exciting dissention and jealousy in an army; for sweeping away all cordiality and union from amongst its members; and destroying every prospect of the prosperous issue of a campaign. The hon. general had stated, that, from the first moment of their arrival, he perceived he could not flatter himself, that he possessed the confidence of either of his successors in the command. This was the natural consequence of the rapid supercession, in which general succeeded general, wave succeeded wave, rising some of them as it were literally out of the sea: assembled upon the stage like persons at the end of a comedy, with all the happiest effects of surprize, some from one part of the world, and some from another, one from Syracuse and another from Ephesus; bringing with them their various views and prejudices, and marring whatever was to be done by their total ignorance of all that had preceded.—It had been declared to the house and the country from the highest authority in the state, that the Convention of Cintra had disappointed the hopes and expectations of the nation. He wished the noble lord then to state, whether ministers had changed their mind; whether they entertained a different opinion with respect to that transaction now and at the time they caused the guns to be fired? Did they at that moment really think the news was good? or were they only endeavouring by noise and clamour, by a bold and confident show of exultation, by firings at midnight and puffs in the morning, to confound the sense of the country, and, as sometimes happens in other theatres, to force, as excellent, down the throats of the public, what they knew in their own minds to be most execrable stuff? He should really be curious to know in which way the hon. gentlemen meant to take it? whether they meant to describe themselves as dupes upon that occasion, or as *only* intending to dupe the nation? Among their friends, perhaps, they will prefer the latter description; but as they can hardly venture to profess this publicly, they must be content to be set down as persons, who were unable to discover that this Convention was a bad measure, till it had received the comment of the public voice, till the knowledge of its merits was forced upon them by the universal cry of the country, by the groans and murmurs and hissings and cat-calls, and cries of, 'off, off,' which assailed them on every side, and from every rank or order of people, from pit, boxes, and gallery. One merit, however, may be allowed them. They did not, like many authors, set themselves obstinately to resist the general judgment, but after the hints they had received, appeared willing at length to withdraw their piece, and to confess that it was, to be sure, a most wretched performance.—But, there was another and a weightier ground of accusation against the right hon. gentlemen, founded upon their total want of foresight in all their military measures, and the culpable absence of any general or comprehensive plan. This lamentable defect was no less obvious in the more enlarged operations of the campaign, than in the particular arrangements which led to the Convention. His majesty's ministers never seemed to know what to do. They sent out troops before they knew where they would be received; they sent them in a state of equipment inadequate to the object for which they were destined; and, when these troops had at length been brought to act upon the great theatre of the war, the occasion had gone by, when they could be of any effectual use.—As to the noble lord's allusion to the campaign of the Pyrenees, he was quite a stranger to its meaning; but he was certain, that nothing had fallen from his noble friend to provoke the facetious irony of the noble lord's comment. He could admit, that it might be desirable to send a force to reduce general Junot's corps in Portugal, if there had been any room to apprehend, that that corps could be brought to act against Spain. But, it was well known, that Junot at that time, hemmed in on all sides by the tumultuous but determined levies of an enraged nation, was not in a state to co-operate with Dupont. At all events the defeat of Dupont afterwards settled that point, and left us at liberty, and in very good time, to alter the whole plan of our operations. Junot and his corps could not be better placed any where than as they were, cut off from all communication with their countrymen, pressed upon all sides by the accumulating force of the Portuguese nation, and condemned either to shut themselves up in the fortresses of that country, or by taking the field to expose themselves to the destruction which the vengeance of an irritated and insulted people was prepared to inflict. In this state of things, the question was, Whether it was good policy to make any attack upon Junot with a view to destroy his force? but if that were not good policy, it was still less so, to attack him with a view to grant him such terms as would send him into Spain, from which, whilst in Portugal, he was effectually cut off. Unless ministers were prepared to say that they had been successful before their time; they had no way of accounting for the interval that elapsed before the army proceeded to Spain; and, if they rested their Defence upon that ground they must stand self-convicted of a criminal want of foresight, and were deeply responsible for all the losses which resulted from that unfortunate expedition to Spain having been undertaken too late. But how would the case have stood if Junot's force had been destroyed or made prisoners of war? What would have been the inevitable consequences of such a result, in the impression it would have made upon our allies, upon our enemies, upon ourselves, and upon all Europe, as to the comparative character of British and French troops? This impression alone was equivalent to most of the objectsth at campaigns the most successful are able in general to give. Those who think otherwise, must know but little of the state of the world, particularly at the moment in which we live, or of the feelings and judgments of mankind on other occasions. What had we gained at Maida? In point of territory, nothing. In point of acquisition of any pecuniary value, nothing: but we had gained glory, military glory, and this single circumstance was sufficient to render the battle of Maida one of the most useful, as well as most honourable, of any that had ever been fought for the country. By the reduction of Junot's force we should have incalculably enhanced this invaluable national object; that base and unworthy feeling, of which he had before spoken, would have been destroyed; and above all, the French armies and nation would, however reluctantly, have been constrained to admit the decided superiority of British troops. Our army had fought as well at Vimiera as at Maida, but unfortunately the same credit will not be given for its conduct. The troops with whom our force had come to blows would remember their superiority, but the people of France would not be inclined to admit it upon our statement. Whenever we should claim this superiority, they would quote the Convention against us. They would ask, "What have you gained? What have you to show for your victory? Have you brought home the game? What have you bagged? Have you taken gen. Junot? On the contrary, is he not now at the head of his division in Spain? Have you made his corps prisoners of war? On the contrary, are they not fighting against you and your allies at this moment in Spain? It was this loss of glory, this deplorable neglect of the opportunity to make an indelible impression upon the French themselves, and the Spanish nation, as to the striking superiority of the British army, that were most to be regretted in the unfortunate result of the campaign in

Portugal. He was convinced, that the hon. general would not say, that any thing could compensate the loss of so precious an object, and such a golden opportunity. Upon the whole, therefore, he contended, that his majesty's ministers, from their want of diligence, from the absence of all the ordinary official activity, from their total want of all general plan, and from the blind inconsiderate way, in which they had conducted the whole of the campaign, stood, even upon their own shewing, condemned before their country, and he should consequently feel it his duty to support the motion of his noble friend.

The *Chancellor of the Exchequer* considered the proposition of the noble lord not only untenable in itself, but wholly unsupported by the argument of the right hon. gent. who had just sat down. The view which that right hon. gent. had taken of the question fully justified the measures of his majesty's government. The right hon. gent. had acknowledged that if the gallant general near him (sir Arthur Wellesley) had, as he so earnestly wished, followed up his plan, and pursued an already discomfited enemy, the result would have been as decisive and as glorious as ever marked the progress of the British arms. He had also staid, that the cause of this not having been the happy consequence, was to be found in the conduct of sir Harry Burrard and sir Hew Dalrymple; but instead of blaming those, who over-ruled the plans of his gallant friend, the right hon. gent. turned short round, and laid the whole burden upon the shoulders of ministers, because, as he argued, they had an excuse for acting wrong, in not following the advice of sir A. Wellesley; from the want of cavalry, which was the fault of ministers. How could ministers be blamed for not providing means for carrying a campaign to a satisfactory issue, when in the same breath it was acknowledged, that if the opinion of one general, who commanded in the field of battle, had been followed, it would have terminated so gloriously to the British arms? That was the species of logic, which the right hon. gent. employed, that the course of argument which he adopted, in order to persuade the house to agree to the two Propositions of the noble lord. For his own part, he had no objection to the first Proposition, which adopted the language of his majesty's Speech from the throne, and expressed the sentiments of the country; and he should not give any opposition to it, if it were not to lead to another, which was to cast a censure upon his majesty's ministers, which he was confident they had not merited. But, it seemed that the right hon. gent. in the course of his reasoning upon the present question, had mistaken all the measures of the existing administration as well as forgotten all the measures of his own. He had also fallaciously contended, that because his noble friend (lord Castlereagh) had said in the preceding year, that he had cavalry transports to the amount of 4,000 tons, that he ought to have had sufficient for the conveyance of cavalry with this expedition. But did not the right hon. gent. know that upwards of that quantity of tonnage was employed at the time in the Baltic. The transports were not, as when the late administration had promised aid to the continental powers, laid up, dismantled, and destroyed. The expedition was originally destined for the Tagus, on which service cavalry was not deemed necessary. It was admitted even by the right hon. gent. that, if the expedition had been destined for the Tagus, cavalry would not be necessary, because of his own expedition to the same point, with which no cavalry had been sent. A great deal had been said of the supercession of commanders, and that it was improper to send a junior officer with a large force, if he was afterwards to be superseded in the command. With regard to the point of the superceding of officers, perhaps the right hon. gent. spoke feelingly on that subject, from having found the inconvenience of it. He had employed a junior officer (brig.-gen. Craufurd) to go with 4,000 men, by the Antipodes to Botany Bay, from whence they were to proceed to Chili, which they were to conquer. This done, a line of posts was to be established across the Andes, to Buenos Ayres, to secure the possession of that settlement! Surely, the right hon. gent. could not have forgotten this; for such an idea, when it once entered the mind of man, could not be got out of it again. This officer was, after a long voyage, recalled in order to be placed under the command of gen. Whitelocke at Buenos Ayres. He would put a case, however: was it not possible that it might be expedient, when a small expedition was increased to a very large army, to supersede the original commander, and appoint a senior officer, in order to preserve in the service of that army many excellent officers, who could not, from the usage in the army, serve under a junior commander, or one of lower rank? This was precisely the case in the present instance; and his gallant friend himself had told them, that he could not have expected to be placed at the head of so great an army, which would by that means have been deprived of the assistance of many of those generals who had eminently distinguished themselves on other occasions. He could assure the right hon. gent. that no persons in the country were more disappointed or grieved at the issue of the campaign in Portugal than his majesty's ministers. They lamented the Convention, and they lamented that it had not been demonstrated to the world, beyond the possibility of controversy, that the British army was infinitely superior to the French. The character of the British army was, however, in the course of this campaign established in the mind of every impartial man in Europe, for incomparable discipline, irresistible valour, and unwearied perseverance. He agreed, then, with the right hon. gent. on this point, but he could see no occasion for the house to re-echo what had been declared by his majesty, and was a general sentiment in the country, with a view to censure his majesty's ministers. It would be worth while to observe how curiously the right hon. gent. and his friends on the other side of the house argued. They were content to leave the proposition thus: "something ought to be done on the Peninsula: we censure you for having done wrong, but will not shew where and how you could have done right." The noble lord who brought forward this subject, had stated, that Portugal and the possession of the port of Lisbon were not objects worth attending to. Did he mean to say, setting every political consideration out of the question, that our feelings were not interested in the rescue of our ancient allies from the tyrannous grasp of an usurper? Was it no object to secure the Russian fleet in the Tagus? Our ancient allies were in insurrection, calling on us for our aid, and the whole world was fixed in attention on the British government, to see whether that aid would be afforded, or whether we would desert the cause of those to whom we were bound by the long accustomed ties of friendship and amity. It was at this momentous interval, dubious where or whether we could land in Spain, that the noble lord would advise that the forces should have been kept at home doing nothing, till every thing was ascertained and settled, rather than be sent out with a discretionary power to the commanders to act in one or other situation as circumstances required (Hear, hear!). As to what had been said respecting the firing of the guns on the receipt of the intelligence of the Convention, he had no hesitation in saying, that the rescue of our allies from the grasp of their oppressors, and the expulsion of the French army from Portugal, were circumstances of which we ought to be proud, and which justified the firing the guns. If the right hon. gent. would but recollect, he must admit, that, since the commencement of the French Revolution, except in the issue of the campaign in Egypt, there had been no instance of such signal defeat of French objects, as in the expulsion of Junot's army from Portugal. Notwithstanding, therefore, all that had been said on this subject, it was his conviction, that there had been enough of triumph on the whole to justify the demonstration of joy manifested by firing the guns.—One word he had to add respecting a point, upon which he differed from his right hon. friend (sir A. Wellesley) as to the course which had been pursued by government on this occasion. His right hon. friend had, in a fair and manly manner, expressed what he thought necessary for the justification of his character. But, whilst he was ready to do justice to his feelings, he could not coincide in his opinion upon the subject of the Court of Inquiry. In what manner, he would ask, could an Inquiry be instituted, except as had been done, by the appointment of a Board of General Officers to examine into the circumstances of the transaction, and ascertain, whether any ground of charge existed against any of the parties? It had been admitted on all hands, that some Inquiry was necessary, but, in the actual state of the information which government had upon the subject, a Court Martial could not have been resorted to without injustice to one of the officers against whom a distinct charge might have been brought. In the cases quoted by the noble lord, not only had a ground of charge existed, but a Court Martial could have been resorted to without any inconvenience, as all the officers, whom it might have been necessary to examine, were in the country. In this case, however, it was not thought desirable to resort to a fishing Court Martial, when also it would have been necessary to have brought so many officers from their duty in Spain, to attend its proceedings. The course therefore pursued by government was not only the most desirable, but was also justified by two precedents in good times. It had been said that on a late occasion (that of general Whitelocke) a Court Martial had been resorted to without any previous inquiry, and thence argued that a similar course ought to have been pursued in the instance then under consideration. But, on the late occasion it had not been considered necessary to institute any such previous inquiry, because the documents in the possession of government, were fully sufficient to warrant the bringing a distinct charge against the particular officer. Having made these few observations, after the able, complete, and lucid statements of his noble friend, he felt it unnecessary to trespass any further upon the house at this late hour, than merely to repeat that he did not dissent to the first proposition upon its own grounds, but because it was the prelude to an unjust attack upon his majesty's ministers.

Mr. *Windham* in explanation, said, that he never had intended to have established military posts from Chili to Buenos Ayres. The only posts he ever thought of, were posts for letters and communication.

Mr. *Whitbread* declared that it was his intention to trouble the house but with a very few observations, owing, not only to the lateness of the hour, but the present state of the question. Indeed it was unnecessary; for, notwithstanding the able speech of the gallant general (sir A. Wellesley), the lucid harangue of the noble lord (Castlereagh), and the ingenious remarks of the right hon. the Chancellor of the Exchequer, the eloquent and able charge of his noble friend had met with a defence so feeble as to leave him in perfect possession of the field. With all the force they had collected, they had not brought one point to bear against him. There was, indeed, remaining one literary and political warrior, who might yet perchance retrieve the fortunes of the day. (A laugh.) The noble lord had stated his opinion, that the Convention of Cintra was not agreeable to his feelings, when he had received the first intimation of its conclusion; yet he was accessary to the Answer to the citizens of London, which the servants of the crown had put into the mouth of their sovereign. The noble lord had not condescended to explain in what way even he could reconcile such contradictory conduct. The gallant general, too, had this night, in an impressive speech, stated to the house, that no Convention would have taken place, if he had been allowed to follow up his plan of operations; an opinion in which he (Mr. W.) most heartily coincided; yet still that gallant officer, after such an avowal, was determined not to support the proposition of his noble friend, namely, that that event which he, if permitted, would have prevented, "had disappointed the hopes and expectations of the country." The right hon. the Chancellor of the Exchequer had gone farther than his noble friend: he thought that the Convention was justified; and because such was his opinion he has called upon this house not to confirm that judgment which their sovereign had previously pronounced. And his argument to induce the house to act upon such judgment was, that by so doing blame would attach somewhere. Thus, then, had the swords of the gallant Wellesley, and of his brave companions in arms, been drawn in vain; not in vain for their own glory and character, but most ineffectually for the honour, the credit, the glory, the interests, and the superiority of their country (Hear! hear!). Such a distressing result seemed not to have produced the natural effect on the mind of the noble lord (Castlereagh). On the contrary, for the first time in his life, he was found light and ludicrous, and jocular and even witty, on subjects the most momentous and heart-rending. His answer, his justification for all these evils, was, that his opponents, four years ago, had evinced similar, if not greater, imbecility and ignorance. But, was that any apology to the country for disappointed hopes and degraded character? If, in the name of truth, both had been proved guilty of blunders the most criminal, let that be a reason for punishing them both together; but never let it be advanced as an extenuation for every future act of criminal and disgraceful mismanagement. The public had before them a great stake. By whom was it thrown away? Was it by sir Arthur, sir Harry, or sir Hew! or was it by his majesty's ministers? (Hear! hear!). Guilt had attached in some part, and the public indignation had been consequently excited. That indignation must have a direction; the people would not be satisfied without fixing it in one point or the other.—He should not then stop to enter into the consideration of the propriety or impropriety of the Court of Inquiry, as to its being legal or illegal; but the question was, how did the people of England consider it? They deemed it to have been a court for screening the guilty: and they knew the result of its decision would be, that no blame was attachable to any one. The decision had accordingly been in favour of the officers. Sir Arthur had been declared blameless, zealous, and firm. Sir Harry had been declared blameless, zealous, and firm. Sir Hew also. Yet still blame had existed somewhere. To whom, by that decision, imputable, but to the ministers of the crown? (Hear, hear!). But the learned Chancellor of the Exchequer had found, in his own ingenuity, a defence for himself and his colleagues. Sir A. Wellesley, said he, has said, that if his plan was followed up he would have expelled the French from Portugal, and this, at least, proved, that the means, which ministers afforded to him, were fully sufficient to the object! But, how did the matter stand? The learned gent. forgot that the gallant general had broadly stated, that if he had been provided in the battle of the 21st of August, with a sufficiency of cavalry, there then would have existed no excuse for a Convention. Here, then, was the charge of failure and of disgrace brought back to his own shoulders by his own authority (Hear, hear!). The noble Secretary of State had said, that finding the first intelligence of the victory and the feeling it excited, a little exaggerated, he thought it would be improper to give a military opinion, on receiving the intelligence of the Convention, and therefore he took that of the learned Chancellor of the Exchequer, as to the propriety of firing the Tower guns upon occasion of this Convention, and they both together had at last agreed to fire away. The guns had been fired for the success at Roleia, they were fired for the splendid triumph at Vimiera, and in due respect to the feelings of the country, and to the gallantry of our armies, fired they were a third time for the ratification of a most disgraceful compact. But the noble lord had hit upon an admirable excuse, in his own inability to give a military opinion. Let the country form its own comment. When, at a time, to speak no more of it, it was opposed to Buonaparté, it had a military secretary, whose principal point in defence for the failure of his military schemes, was simply, that he could not give a military opinion (Hear! hear!). Was the country to be told that such transactions were of no importance? Was it to be so far deluded, that, at a time when the love of popular distinction was so prevalent—when a red ribband was sought by that general, and a star by another, that it was equally a matter of indifference, whether the annunciation of a disgraceful Convention, was or was not accompanied by such public demonstrations of rejoicing, as the country would have expected on the communication, that Junot and his whole army had surrendered prisoners of war? If the Convention had disappointed the hopes and expectations of the country, why should not ministers acknowledge it, in order that we might ascertain the party to whom our disgrace had been owing? Where could the noble lord find an excuse for the rapid and unexplained supercession of the general officers commanding? His gallant friend had told him, that in expecting harmony, the noble lord was mistaken, for scarcely had the generals who commanded successively, been two minutes together, when, as sir A. Wellesley stated, harmony disappeared. But what was the ground for any reasonable man, much more an executive government, to expect that it would continue? Was it that they had appointed men of extensive talent and acknowledged genius, too proud to admit in their breasts a narrow and illiberal jealousy? Was it that they had selected officers to supersede sir A. Wellesley in the supreme command, under whom he had previously served, and who entertained the high and merited opinion of his capacity and his services? No—there was no such palliation for his majesty's ministers, and it had been that night proved by the able general himself, that he had no reason to expect being superseded, unless a very considerable increase took place in the army which he commanded. But if it was necessary for the public service, why did the king's government extend the chief command successively to so many officers without any seeming cause? Why was it deemed expedient to interpose sir H. Burrard and sir H. Dalrymple between other gallant officers and the interests of the country? Of living characters he would not speak, but he would comment upon the pretensions of those that were departed. The apotheosis of the lamented Moore had taken place, and of him he would say, that throughout the whole of the heroic army of Britain, there could not be found any officer with claims to distinguished command greater than his. Why, then, was he not allowed to assume that lead of which the gallant Wellesley was deprived? It seemed almost in the opinions of ministers unnecessary to ask any question; because, said the Board of inquiry, with the military men no blame rests; nor with us, say the Ministers; but the country, with one accord, had proclaimed, that blame attached somewhere. To fix the blame upon the real delinquents under these circumstances became the first duty of the people's Representatives.—The noble lord had told the house, that his noble friend had too strongly coloured his statement respecting the quality and defects of the horses, because that noble lord knew, that the French themselves envied and admired them. But the gallant general opposite (sir A. Wellesley) would excuse him, he trusted, for the opinion that he formed, when he believed, that during the whole of his enterprizing life, that officer never struggled so unsuccessfully with difficulties as in his endeavour to march to the defence of the noble lord with regard to those miserable horses. Indeed, the noble secretary had made a most diversified effort, but, he assured him, to little purpose. In shewing off these poor beasts, he reminded him of a hackneyman's servant in his smock frock endeavouring to make his galled jades prance, if possible, before the house. There was certainly one limit to his unqualified panegyric, as the noble lord did not go quite the length of praising a dead horse (A laugh!). Really, were not the consequences in every view so disastrous, so fatal to the dearest interests of the empire, the campaign of the noble lord could only be considered as an Opera Ballet, where, after one fine fellow had well performed his part, some unknown characters arose at the critical moment from the ocean, and drove him from his operations—the scene at length terminating in confusion and distress. But what but that downright fatality which seemed to mar all the efforts of the executive government could have induced them at such a conjuncture in the concerns and hopes of the world to interfere with their meddling nonsense about command? Was there not something, however, more than met the eye? What, he would ask, was meant by including in the instructions of sir Hew Dalrymple, that he was appointed "for the present?" The noble lord had, indeed, referred to precedents for superseding generals. But what were they? He had attempted to justify the conduct of his administration upon the base and miserable policy of Austrian military councils;—councils which so often cramped the exertions of the Archduke Charles. Councils which teemed with treachery, to whose corrupt and baleful influence prostrated Austria and enslaved Europe, might fairly attribute their forlorn condition. Councils which led to the disastrous but decisive victory of Jena, to the recapture of Madrid, and to the exclusion of Great Britain from almost every part of the continent of Europe. Yet these were the precedents conjured up in his own vindication by a military secretary, who at the same time had professed that he could not give a military opinion—(hear! hear!). Of the Spanish Campaign he would not then speak, but he could not sit down without impressing on the house the necessity of inquiring into those causes, by which a gallant army, after unprecedented efforts of valour, patience, and endurance, were obliged to terminate a campaign in a victory, from which, in the words of general Hope, no useful consequence would follow. It was by giving command solely to men of merit that we were to insure success. Why, then, should we not imitate the conqueror instead of the conquered? He had only to lament that the victory we had achieved had not been attended with any success or advantage to the country; for England would certainly have been much stronger at this moment if the French had been driven across the Tagus. He lamented, too, that the present system of ministers, in acting upon Mr. Pitt's policy in war, was one that had always proved unsuccessful. It was a policy only adapted to produce facts for the purpose of introducing them into the King's Speech, or matter for temporary joy, rather than permanent security to the country.

Sir *Arthur Wellesley*, alluding to reports which had been circulated of his having had nothing to do with the Convention, and of his having even protested against it, referred gentlemen to the Proceedings of the Board of Inquiry, for an explanation of his sentiments on that head. The letter, No. 152, written by him to his noble friend and dated October 6th 1808, contained his detailed opinions upon the subject; opinions, too, which he still entertained.

Mr. *Wellesley Pole* assured the house, that no authority had ever been derived from him, for the insertion of any paragraphs in the newspapers to the effect imputed to the friends of sir A. Wellesley. He was the only relative of sir Arthur in would now ask the gallant general, in what this Convention of Cairo resembled that of Cintra? Had his majesty disapproved any of the articles of that Convention, on account of "their impropriety and danger, as affecting the interests or feelings of his allies," the Turks, as he had done in the case of Cintra, in behalf of the Portuguese and Spaniards? Were the Turks dissatisfied with a Convention, which repossessed them of the capital, and insured to them the conquest of Egypt? Had not the voice of the people of this empire been as distinct in approving and admiring the one proceeding, as it had been loud and unanimous in condemnation of the other? Did the gallant general forget what were the feelings of his own troops on the occasion of the Convention of Cintra? Were not his officers deeply disgusted, and did they not, in the most unqualified manner, so express themselves? Had he to learn that these officers of the Egyptian army, who at the commencement of the march to Cairo, appalled, as it were, by the difficulties of the undertaking, felt it to be their duty strongly to urge an apprehension of disastrous issue, did, on the fall of that city, compliment the General upon the success of an operation, which they were kind enough to declare, appeared to have been decided by an inspired judgment. In short, was the hon. gent. to this hour, ignorant of the fact, that it was the capture of this city (a design conceived in wisdom, and executed by British soldiers and seamen, under the most patient endurance of many privations). that rescued Egypt from the grasp of French domination!—The combined British force, with the exception of the Indian army, which was still at a considerable distance, now assembled before Alexandria, in effective number about 15,000: the enemy had about 10,400, including 1,900 seamen; his efficient strength, for every purpose of defence, is undervalued, when stated at 9,000; his position was protected by nearly 400 pieces of artillery; he had provisions for some weeks (not for two or three days as has been erroneously stated); his entrenched camps and forts, though not by any means regular fortifications, were excessively strong. He did not, however, lay much stress on this part of the argument, for he admitted that a short time, without any untoward accident, must have decided the fate of the city; but the reasons for dispatch were much more urgent now than ever. Accounts had been received from England, not only that negociations were pending, but that Egypt was likely to be the great difficulty in the way of peace; perhaps the cause of a new war should peace be accomplished, leaving the French masters of that country. So convinced was the British general of the necessity of dispatch at this critical moment, that on general Menou sending out his flag of truce, he forwarded a messenger to Constantinople, requesting that lord Elgin would communicate, without delay, to the ministers in England, this circumstance. The possession of Egypt was known to be considered by the First Consul of France, as a conquest of inestimable value; he had connected with it much of the fame of his military life; he had considered and proclaimed Egypt, as likely to become a compensation to France, for the loss of her colonies: that in her hands it would create a great commercial revolution, and he had lately declared, to the Minister of Russia, that no consideration would induce him to relinquish that country. Positive intelligence had been received from various quarters, from the coast of Spain and Italy, from England, Germany, and France, that powerful armaments were preparing to relieve Egypt, reinforcements under admiral Gantheaume had actually anchored on the coast; besides, it was possible, that the First Consul might attempt, by treaty with the Porte, to retain possession of Egypt. In this state of things, the British general did wisely resolve, not to delay one hour the completion of this conquest. He had considered general Menou and his garrison entitled to all the honours of war, and he was not to be shaken in the resolution which he had early formed, of not unnecessarily exposing the brave troops he had the good fortune to command. However, in the opinion of the multitude, he might have added to his military reputation, by a different mode of proceeding; at fame so acquired, he spurned, and he would have considered the rusty sword and the private property (at all times very inconsiderable in Egypt) of the French officer, dearly purchased at the expence of the life of the youngest drum-boy in his army.—The importance of expelling the French had been repeatedly stated by ministers in the strongest manner; and the Commander in chief, in direct positive terms, had been authorized by them to accomplish this in any way; in the field; by negotiation;

in short, *per fas et nefas.* Such were the causes and inducements which influenced him to terminate, on the moment, this war in Egypt. He treated the French general, doubtless, with that respect which his obstinate defence, and the privations his troops had so patiently endured, fully entitled him to; but throughout, in the tone of a conqueror! Menou attempted indeed to return to France, not merely with his arms and private property, but with the manuscripts, sarcophagi, and statues, which had been collected by Buonaparté and his troops, and were destined to perpetuate in France, the remembrance of the conquest of Egypt; but this endeavour wholly failed. He evacuated Alexandria with 11,712 persons, which, with the garrison of Cairo, other prisoners, besides the killed in action, and those dead by wounds and disease, since the landing of the British, made the whole French force, captured and destroyed, exceed 30,000 men.—The immediate consequence of the total conquest of Egypt was, that the General, who had lately received instructions from England to apply a part of his force, after the termination of the war in Egypt, to the attack of Corfu, was thus enabled a few days after the surrender of Alexandria, to forward a corps, under the command of general Craddock, in execution of that service.—Thus ended, marked with every feature of victory, a campaign, greatly brilliant, throughout successful; in all its points and bearings the most complete, that had ever been achieved by British heroism; the only one too, in all respects perfect, during the last long eventful war. It commenced under the auspices of a gallant chief (sir Ralph Abercromby), who, idolized by his troops, was, perhaps, more than any other man, the perfect hero in the fight; whose immortal fame was far beyond the reach of his weak tribute of applause; and it was conducted to its glorious termination, by the friend, who most loved and valued, because he best knew him; one, who notwithstanding his near affinity, he would proudly assert, united to the valour and firmness of the soldier, that scope of intellect, that mine of information, that inflexibility of principle, requisite to the general, as to the statesman.—During the course of a tedious, painful, perilous command, his solicitude for the preservation of the health and lives of his soldiery, was as conspicuous as it was unceasing; with the co-operation of the gallant and experienced officers, the highly disciplined and brave troops, whom it was his good fortune and honour to lead, with their assistance, to have brought to a prosperous conclusion, with the least possible effusion of blood, this ever memorable campaign, has been a reward, a blessing conferred on his arms, far more estimable to him than the highest favours, or the most enthusiastic applauses, which his sovereign or his country could have bestowed; and he (Mr. Hutchinson) trusted he was not too sanguine in expressing a confident hope, that this campaign would be recorded amongst the proudest periods of our military annals, while the consummate wisdom and humanity of British officers, the valour and discipline of British soldiers so eminently displayed, shall be held up to all posterity as an example worthy of imitation.—He hoped that the house and the public would never forget, that in Egypt the enemy was, until the last moment of the campaign, more than double the number of the British, and possessed of every military advantage; that when beaten in the field, he retired behind his strong works, where he hourly expected reinforcements, some of which, under admiral Gantheaume, actually anchored on the coast. That in Portugal he was, during all periods of the operation, inferior in number to the British; at the signing of the Convention greatly so; and in the field, where, as it were, at the point of the bayonet, he dictated for himself the most favourable terms, though, from the total occupation of Buonaparté elsewhere, assistance to this small corps was, if not quite impossible, an event the most improbable. That, during the campaign in Egypt, Europe was in a state of profound peace; that pending the operations in Portugal, war raged in Spain; that the French soldier was removed from Egypt, where he was greatly mischievous to our ally, whence he threatened our own colonies in the east, and was deposited in France, where he immediately became inactive and harmless; that the Egyptian Campaign preserved to the Turks the integrity of their empire, and is supposed to have rescued British India from the grasp of France. That the Convention of Cintra released from Portugal a French army, where it was comparatively of little injury; where, if in no other place, it should have been enchained, and forwarded that army to Spain; thus furnishing reinforcements to the enemy, and accelerating the subjugation of that country in alliance with

Britain. That the French general did not retire from Portugal, until, in the language of his master, the great Napoleon, he had erected on the shores of that country, by the Convention of Cintra, a monument to the fame and power of his troops and nation. That the British army of Egypt compelled the enemy to regorge much of their ill-gotten treasure, and that having stripped them of the spoils of their boasted African campaign, crowned with their laurels, returned to deposit in the British isles the trophies of those troops, which their leader had in his presumption pronounced "Invincible;" which spoils and trophies (at the same moment when he, Mr. Hutchinson, could with difficulty obtain a hearing, in behalf of the much injured reputation of that army) were exhibiting in this capital, to record and perpetuate the shame of France: to immortalize the glory of Britain over her rival mistress of the world!—He was sorry to have detained the house, wearied as it must be, after a debate of so many hours; but he could not silently listen to a comparison, where there existed no assimilating circumstanstances. The Conventions alluded to were, in every respect that affected the honour and interests of the country, diametrically opposite to that of Cintra.—The gallant general says, "That the French army in Portugal possessed advantages that the French garrisons of Cairo and Alexandria did not;" the very reverse he, Mr. Hutchinson, had proved to be the fact; that "they who had to decide on the Convention of Cintra were aware, that there were other objects for the British troops besides Portugal." Mr. Hutchinson had no doubt of this; but surely the generals who, apprized of an ulterior destination for their troops, signed a Convention which deprived them of a mode of conveyance (their shipping) perhaps the only one by which they could have rendered their troops serviceable, acted whimsically indeed! Those who had to decide in Egypt, were also aware, that there were other objects for the army, after the conquest of that country, and, one of these objects they were enabled to commence the execution of, by forwarding, immediately on the fall of Alexandria, the corps already mentioned under general Craddock.—He apologized for having entered so much at large into the detail of the Egyptian war; but he was obliged to do this, in order that gentlemen might understand fully the subject, and thus be enabled to perceive the correctness of his conclusions. He had made this statement, not with a view of condemning any officer, but in order to rescue the campaign of Egypt from unmerited obloquy. The gallant general might have been satisfied with his own fame, deservedly high, without making allusions, tending naturally to depreciate in the public opinion an army, whose heroic achievements had till that hour been universally admitted; whose brilliant exploits in Egypt, notwithstanding the attempt made to sully them, shall live in the recollection of a grateful posterity, when every trace even of the disgraceful proceedings of Cintra, shall have been for ages effaced. He desired to be understood, when speaking of the Convention of Cintra, as wishing entirely to separate this part of the proceedings of Portugal from the operations of the troops in the field; no person in the country estimated higher, or more sincerely applauded those exertions; he had no hesitation in saying, that that army had performed a most important public service, by driving the French from Portugal, and securing in British ports (though but for a season) the navy of Russia; nor could he consider it by any means fair, to estimate the importance of their services, either according to the terms of the Convention of Cintra, or by the result of the campaign in Spain. Their victories at Roleia and Vimiera, were not the less glorious, though they had been ultimately compelled to abandon the Spaniards; pursued to their ships even by those troops whom they had signally defeated in Portugal.—He hoped he had convinced the house, that the Conventions of Egypt and Portugal had been made under circumstances totally dissimilar, and attended by results the most opposite; that the former furnished to the troops abundant matter for pride and exultation; that they were perfectly satisfactory; essentially and lastingly serviceable to the allies; highly creditable to the national character, meriting the applause, and in all respects worthy the glory, of this united empire; that the latter, the Convention of Cintra, mortified the troops, disgusted the allies, elated the enemy, dissatisfied the king, and enraged his people, who, by acclamation, condemned the measure.

Earl *Percy* observed, that it was agreed on all sides, that the Convention of Cintra had disappointed the hopes and expectations of the country; and he therefore saw no necessity of coming to a vote upon the first question. As to the second question, which went to censure ministers for their conduct, as connected with that transaction, he was not aware that any blame could be brought home to ministers, though he could not help saying, that blame seemed to attach somewhere.

Mr. Secretary *Canning* then rose. He should not detain the attention of the house to any length at so late an hour; indeed, he had but little to add to what had fallen from his noble friend (lord Castlereagh) and from his right hon. friend (the Chancellor of the Exchequer). Yet without agreeing with either of them on some points, he should feel himself nevertheless justified in concurring with them in the same vote. It was the open, undisguised opinion of every man, that the Convention in Portugal had disappointed the hopes and expectations of the country. There was much of reasoning deduced upon the subject from analogy and example, but he must acknowledge that to him it appeared to fail. The Convention in Egypt afforded, in his mind, no apology for the Convention of Cintra. Such comparisons would be as invidious as they were incorrect. His wish was to see the country continually rising in character and glory. The idea of its degeneracy he could not endure. Those for whom stipulations were made, were unwilling parties to them. While he concurred with his colleagues in the vote he should give, there were some points respecting which, as he had already observed, he must differ from them; and these were rather political than military points; points that were beyond military competency to execute, or military tribunals to decide upon. Among these points he first objected in principle to the practice of stipulating conditions respecting which we had no right or power to act, points moreover, which were neither expedient nor necessary. He must also object to the non-admission of the Portuguese general, or government, as parties in the negotiation. It had also been stipulated that their property should be secured to the enemy. This stipulation was afterwards indeed amended; but the milder execution of it did not atone for the carelessness about terms, which we had no right to stipulate. He had further to object to the exchange of civil prisoners for Spanish troops—here again we had no right to stipulate for Spain, even though the stipulation should appear advantageous; for Spain should be left to judge for herself, and the British commanders had no competence of authority or right to determine upon such matters. Equally objectionable were the stipulations for those Portuguese who were partizans of France. Such stipulations were sometimes allowable, as in the capitulation of islands, where the conquering force would remain. Such stipulations seemed to give us the air of domineering in Portugal, and of acceding to conditions which we had no legitimate power to fulfil. Upon the Armistice and Convention, in their military nature, his majesty's ministers did not take upon themselves to judge, but called in to their aid the opinion of military advisers. This they deemed the most effectual mode to adopt, not that the conduct of the military commanders might not appear to them to be open to criticism, but because any other mode seemed liable to greater objections. Many would have preferred a court-martial, and were loud in calling for that mode of trial. But a court-martial seemed to presume the existence of a charge of some specific crime. His majesty's ministers professed to have none, and they felt it would have been an harsh measure, while so strong a feeling pervaded the country against these transactions, to have sent any officer to trial with the weight of that clamour upon his head. Had sir H. Dalrymple been selected as the person, would not ministers, with every appearance of justice, have been accused of partiality, in sending to trial an officer who had to plead his scanty information of the state of things on his arrival in Portugal, and who had no time to pause to acquire any? If government had selected sir H. Burrard, it might likewise be observed, that he had the command only for 24 hours, and had scarcely interfered in the operations; and here again ministers might appear guilty of partiality. Had he been selected, it must only be on military principles, and this was what government were anxious to deliver no opinion upon. Indeed, it was impossible for men in civil offices to decide on matters of that sort. Was sir A. Wellesley to be selected? He could only be accused of having excited those proud hopes which were afterwards unfortunately disappointed, What mode, then, remained to be adopted, but that of an Inquiry, when there was brought forward no distinct accusation, or specific charge, against any of the commanders? Under those impressions a Board of Inquiry was resorted to, and the decision of that court we had reason to consider as final; for if, after that, government should have sent any officer to trial, not only would they have sent him to trial prejudged by popular clamour, but also loaded with the decision of government against him.—The next charge urged by the noble lord and the right hon. gent., was the appointment of sir H. Dalrymple. In the selection of that officer for the command, all his colleagues in office were unanimous, and they were all ready to share in the responsibility of it. They could have no personal bias in their favour. He himself had never seen sir H. Dalrymple, but on account of the confidence with which he had inspired the Spaniards, and the correspondence he had kept up with them, he was deemed a fit and proper person to take the command.—Such being his opinion of the proceedings of the Court of Inquiry, and the reasons which induced him to prefer that mode of investigation, he could not but think the decision of the Board as final, constituted as it was by officers of the first distinction; and however he might seem to differ upon some points with his colleagues, yet he could not but agree with them in proposing the previous question on the first Resolution of the noble lord. For it would be contrary to parliamentary usage and practice to record on the Journals of the house a barren unproductive truth, which could now lead to no practical result. It would be saying no more than what his majesty had already said from his throne, and which must likewise be deemed the opinion of his ministers who had so advised him. But the hon. gent. had observed, that when ministers first heard of the Armistice from the Portuguese minister, they could not bring themselves to believe it. There were then many reasons to justify that disbelief. On the 4th of Sept. the Portuguese minister received a copy of the Armistice from the Junta of Oviedo. When it was first examined, it appeared incredible to government, not only on account of its matter, but because it was drawn up in French only; because it differed in nothing from the form in which it was originally proposed; and because it did not purport to be finally concluded. It was not exactly looked upon as a forgery, but as the rough draught sent to sir H. Dalrymple for his acquiescence, but in which no change or alteration had yet been made. This was all the knowledge government had of the transaction, until the official copy of it arrived on the 16th of Sept.—It had also been urged as a cause of the failure, that the army sent to Portugal was deficient in equipment, and unprovided with cavalry. Had that really been the case, then blame would attach to ministers; but how did the thing stand? Had the army been so deficient in these essentials as gentlemen would represent, could it have gained not only that splendid victory, but complete triumph, which was won at Vimiera? But, it would be said it might have been more complete. The gallant general who commanded well knew that reinforcements would soon arrive. It had been even prescribed to him where to wait their arrival, if he did not conceive the force he already possessed to be equal to the objects he had in view. He was not for attaching any blame to his right hon. friend for not waiting their arrival; the spirit, the boldness, the courage, and the correctness with which he achieved the victory, proved that his means were not inadequate. The gallant general succeeded; but it was insinuated he ought not to have succeeded. Such was his brilliant career, however, till the negotiation. But was there no period after, when hostilities might have been recommenced? Did not reinforcements arrive on the 26th of August? Was not the British army then superior to that of the enemy both in cavalry, in artillery, and in every equipment? Beyond that period was there any room for complaint? But other motives induced a conviction of the propriety of the Armistice. As to the appointment of sir Hew Dalrymple, he had already explained the motives upon which it took place. It might, indeed, be desirable that sir A. Wellesley should not have been stopped in his brilliant career; but, it should be recollected, that it was the undoubted right of his majesty to select his commanders, and that he was known to exercise that right for the good of the military service. It was a right not to be interfered with. The almost contemporaneous arrival of sir H. Burrard and sir H. Dalrymple was also matter of blame in the eyes of the noble lord; but was that not owing to the variation of the winds, and was this a thing which his noble friend could be expected to calculate? Upon the whole he strongly and sincerely felt, that great objects were obtained by the

Convention, and that whatever it failed in, was neither imputable to the generals who commanded, nor to the government that had appointed them. The other topics touched upon, there would be future opportunities of canvassing.

Mr. *Bragge Bathurst* spoke against the Convention, and referring to the mode of appointing a commander for each of the expeditions to the North of Europe, before such expeditions sailed, expressed his regret that a similar mode had not been resorted to on the occasion which gave rise to this debate.

Mr. *Yorke* defended the Convention. Indeed, after all the general officers had expressed their approbation of it, he could not see upon what ground he could disapprove of it.

General *Fergusson* was aware that many general officers of great eminence had approved of this Convention. He was not of rank to be consulted upon it; but if he had been so consulted, he had no hesitation in saying, that it should have met his decided negative.

Mr. *R. Ward* supported the motion for the previous question.

Lord *Henry Petty* ably replied to the several speakers on the other side. The Chancellor of the Exchequer, he observed, had pursued a course of reasoning, which notwithstanding the acquittal pronounced by the Court of Inquiry, had for its object to transfer from ministers to the general officers the whole of the blame attributed to the measure under discussion; and this after all the general officers concerned had unanimously declared that the necessity which produced this disgraceful Convention arose out of the inadequate equipment of the expedition. The noble lord dwelt upon the statement of sir A. Wellesley, that he had a political view in agreeing to the Convention, namely, that of dispatching a British army into Spain, in order to collect and rally the scattered forces of the Patriots, so that the gallant officer had a view quite different from that of ministers, one of those ministers, Mr. Canning, having very recently declared in that house, that it was determined on their part not to send a British army into Spain, until a Central Junta was established. Let the house and the country decide from this circumstance, what degree of concert and union there was between ministers and their generals. As to the grounds upon which the motion for the previous question was supported, they seemed to his mind to rest upon this proposition, that although his majesty and almost every public body had recorded an opinion upon the merits of the measure under consideration, that house should be restrained from declaring any opinion whatever respecting it, thus encouraging the dangerous doctrine, that the people should look any where rather than to that house for decision upon a great public event.

Upon a division the numbers were,

For the Previous Question -	203
For lord H. Petty's Motion -	153
Majority - - - - -	50

Adjourned at six o'clock on Wednesday Morning.

List of the Minority,

Abercrombie, hon. J.
Adam, W.
Adams, C.
Addington, rt. h. J. H.
Agar, E. F.
Allan, A.
Althorpe, visc.
Anson, G.
Antonie, W. L.
Astley, sir J. H.
Aubrey, sir J.
Barham, G. F.
Baring, A.
Baring, T.
Bastard, J. P.
Bathurst, rt. hon. C.
Bradshaw, hon. A. C.
Brogden, J.
Brand, T.
Byng, G.
Calcraft, J.
Calvert, Nich.
Cocks, James,
Combe, H. C.
Craig, J.
Creevey, Thos.
Cuthbert, J. R.
Colborne, N. W. R.
Cooke, B.
Daly, rt. hon. D. B.
Dundas, hon. C. L.
Dundas, hon. R. L.
Dundas, hon. L.
Eden, hon. W. F.
Egerton, J.
Elliot, rt. hon. W.
Estcourt, T. G.
Euston (earl of)
Fellowes, hon. N.
Ferguson, gen.
Fitzgerald, lord.
Fitzgerald, rt. hon. M.
Fitzpatrick, rt. hon. R.
Folkes, sir M. B.
Folkestone, visc.
Frankland, William
Freemantle, W. H.
Gower, earl
Grattan, rt. hon. H.
Giles, D.
Greenhill, Robert
Grenfell, P.
Giddy, D.
Grosvenor, T.
Hall, sir J.
Halsey, Joseph
Herbert, H. A.
Hibbert, G.
Hobhouse, B.
Howard, H.
Howarth, hon. W.
Howard, H.
Hughes, W. L.
Hume, W. H.
Hurst, R.
Hussey, William
Hutchinson, h. C. H.
Jackson, John
Keck, G. A. L.
Kensington, lord
Knapp, G.
Knox, hon. T.
Lambe, hon. W.
Langton, W. G.
Latouche, J.
Latouche, R.
Leach, J.
Lefevre, C. S.
Lemon, sir W.
Lemon, colonel
Lloyd, sir E.
Lyttleton, hon. W. H.
M'Donald, J.
Madocks, W. A.
Mahon, viscount
Maitland, G.
Martin, H.
Mathew, hon. M.
Maule, hon. W.
Maxwell, W.
Mexborough, earl of
Milbanke, sir R.

Miller, sir T.
Mills, C.
Mills, W.
Milner, sir W.
Milton, viscount
Moore, P.
Morpeth, visct.
Mosley, sir O.
Mostyn, sir T.
Neville, hon. R.
Newport, rt. hon. sir J.
North, D.
Northey, W.
O'Callaghan, James
O'Hara, Charles
Ossulston, lord
Percy, earl
Petty, lord H.
Pigott, sir A.
Pole, sir C. M.
Ponsonby, hon. F.
Ponsonby, rt. hon. G.
Porchester, lord
Prittie, hon. F. A.
Pym, F.
Quin, hon. W.
Ridley, sir M.
Romilly, sir S.
Russell, lord Wm.
St. Aubin, sir J.
Scudamore, R. P.
Sebright, sir J.
Sharp, Rd.
Shelly, H.
Shelly, T.
Shipley, W.
Simpson, G.
Smith, J.
Smith, S.
Smith, W.
Smith, G.
Stanley, lord
Symmonds, T. P.
Talbot, R. W.
Tarlcton, B.
Taylor, E.
Taylor, M. A.
Tempest, sir H. V.
Temple, earl
Templetown, lord
Tracey, C. H.
Tierney, rt. hon. G.
Tighe, W.
Vansittart, rt. hon. N.
Vernon, G. V.
Walpole, hon. G.
Ward, hon. J.
Warrender, sir G.
Western, C. C.
Whitbread, S.
Williams, O.
Williams, sir R.
Windham, rt. hon. W.
Wynn, sir W. W.
Wynn, C. W.

HOUSE OF COMMONS.

Wednesday, February 22.

[Irish Grants.] On the motion of Mr. Foster, the house resolved itself into a Committee of Supply.

Mr. *Foster* then proceeded to read the various sums to be granted. Upon that for granting the sum of 25,000*l.* Irish currency for there pair of Public Buildings in Ireland,

Earl *Temple* requested, that the right hon. gent. would defer this item, particularly as it did not appear to him to be regularly introduced, or many members must be precluded from delivering their sentiments upon it.

Mr. *Foster* replied, that regular notice had been given, and he considered every member had been aware that it would be moved this day, but he had no objection to deferring it till Monday next.

Sir *John Newport* said, he was completely ignorant of the intended measure, and so he believed were Mr. Ponsonby, and the member for Dublin: although the Grants were usual, yet there were several which would require revision.

Upon the reading of the Grant to the Commissioners of Charitable Donations and Bequests, farther to enable them to execute the duties of their office;

Sir *J. Newport* called the attention of the committee to the nature of the institution of these commissioners, and a recent circumstance in their procedure, which demanded the notice of parliament before any such grant should be allowed to them. The commission, he said, was originally vested in a certain number of the members of the house of lords in Ireland, and its truly laudable object was to prevent abuses in the disposal of charitable donations and bequests, by preventing the executors, trustees, and others, to whom such bequests were confided, from converting them to their own private emolument. The Commission was executed by the lords' committee up to the Union, and it then became necessary to provide other managers, who were accordingly appointed. About two years since an elderly catholic lady died at Waterford, and by her will bequeathed to charitable uses a sum of 11,000*l.* of which 1,000*l.* was to be distributed amongst the poor of Waterford, expressly without any distinction of religious persuasions; and the remainder was to be appropriated partly in providing an asylum and maintenance for a certain number of decayed gentlewomen of the catholic persuasion, and for educating a certain number of boys and girls, the children of poor parents; and the executors named in the will were the catholic bishops of Cashel and Waterford, and a lay parson. The catholic bishop of Cashel declined to act, but the others did not. A letter was written to the acting executors from the commissioners of Charitable Bequests, requesting some explanation as to the extent of the legacy, its objects, and whether they had transferred the money to the public funds? To this Dr. Power, the catholic bishop of Waterford, returned for answer, that some objection had been made on the behalf of a residuary legatee; that he had not transferred the money to the public funds, because it was already in the hands of the marquis of Waterford, and other responsible persons, who paid interest at the rate of six per cent. being much more than it would produce in the funds, and that he had already begun to distribute part of the legacy, and would, as soon as possible, dispose of the remainder, agreeably to the conditions of the will. He received an answer from the commissioners, expressing thanks for the frankness of his communication, and promising to give him no further trouble; but what was his astonishment to find on the following term, a bill filed against himself and the other executor, in the Court of Chancery (instigated by these very Commissioners for Charitable Bequests, in direct perversion of the duties of their office) for the purpose of setting aside this will bequeathing charity to poor persons in Ireland, to deprive them of the benefits of that bequest, and to increase the residuum to a lady, the residuary legatee, and living at Seville, in Spain. This was not only a direct perversion of the obvious duties of the commissioners to the poor, for whom they were trustees, but it was felt in other quarters as an act of gross prejudice and of religious rancour. There was no law of Ireland for making any provision for the poor of the catholic persuasion, and surely nothing could be more cruel, oppressive, or unjust, than to defeat the humane purpose of pious and charitable persons of their own sect, who had property to bequeath, from making some provisions for the poor of their own religion, who were not chargeable upon any other sect. This was felt in Waterford especially, and tended in a very prominent degree to excite clamour and discontent; and he therefore wished to appeal to the Committee, whether it was decent for such a Commission to apply to this house for compensation for law expenditures incurred in such a way.

Mr. *Foster* disclaimed all knowledge of the circumstances until that moment; but thought the circumstance of any bill in Chancery which the commissioners might have thought fit to file, and had yet come to no issue, was not a reason for refusing at this time the usual Grant. Besides, the right hon. baronet could surely entertain no doubt that the case, if before the present Lord Chancellor of Ireland, would meet due notice, and that strict justice would be done.

Sir *J. Newport* replied, by professing the highest respect and veneration for the truly upright character who now filled the Chancery bench of Ireland, with so much honour to himself and advantage and satisfaction to the country where he presided. It was not upon any doubt of his strict justice that his own apprehensions were founded or his objections offered, but in the perverse conduct of the Commissioners of Bequests, in endeavouring, by a strict research into obsolete acts of parliament, to fish out flaws in the legality of a will bequeathing charity to an unprotected class of the poor in Ireland, of whom those Commissioners were appointed the legal guardians and protectors, in order to transfer the benefits of the legacy to a perpetual absentee resident in Spain. It was not their duty, but much beside it, to fish out flaws in the will, even if any existed, to defeat the charitable ends of their own institution, and the humane intention of the benevolent testatrix towards the poor in Ireland, and wantonly to promote litigation and excite new discontents, already too prevalent. However disposed the Chancellor of Ireland might be to consider and act on the equitable and benevolent side of the case, he could not avoid taking notice of legal flaws, if they were officiously pointed out to him. It was not, therefore, the proposed Grant, but the conduct of those Commissioners, that he wished to reprobate; for it made no difference whether such proceedings were taken by their direction, or by their permission to any legal person in their employment, merely to increase his own professional emoluments in the way of litigation, and which must be deducted from the sum of the legacy, and thus directed from the object of the charity.

The motion, however, passed in the affirmative; as did also, without any discussion, a grant of 8,953*l.* to the Catholic college at Maynooth.

[Conduct of the Duke of York.] The house resolved into a Committee to inquire further into the Conduct of the Duke of York. Mr. Wharton in the Chair.

Colonel DIGBY HAMILTON was called in, and examined.

(*By Lord Milton.*)

When did you first know capt. Sandon was in possession of that Note, which is now in the possession of the house? He informed me so at Portsmouth, the day that he arrived.

Was that before or after the commencement of the inquiry in this house? It was after the inquiry commenced.

When did you first communicate this intelligence, and to whom did you communicate it? The communication was made to me on Wednesday, and on the Saturday following I communicated it to Mr. Adam.

Did capt. Sandon tell you, that he considered this note of great importance to the present Inquiry? I do not recollect that he did.

Did capt. Sandon tell you, that he believed this note was forged? Certainly not; no conversation of the sort took place between capt. Sandon and myself.

When you first saw the note, did you believe that it was forged or genuine? In my opinion, I thought it to be the hand-writing of the D. of York, and therefore I did not conceive it to be forged.

Are you acquainted with the hand-writing of the D. of Y.? I have never seen h. r. h. write; I have had occasion to see letters, which I was led to believe were h. r. h.'s writing; and I have also seen his signature to public documents.

Did you desire capt. Sandon not to destroy this note? Repeatedly, and laid the strongest injunctions upon him to that effect.

When you communicated this intelligence to Mr. Adam, you believed that the note was in existence? Judging from what capt. Sandon had promised me, when I saw him at Portsmouth, I took for granted that he had not destroyed the note; I had no communication with him after I saw him on the business till I met him on the morning of my seeing Mr. Adam, which was subsequent to my mentioning the occurrence to Mr. Adam.

Did capt. Sandon tell you, that he thought it would be best to destroy the note? No.

Did capt. Sandon communicate to you any thing of his motives for wishing to destroy the note? I had no intimation whatever from capt. Sandon of such an intention; I only knew, or believed, the note to be destroyed, upon his informing me that he had done so.

(By the Chancellor of the Exchequer.)

Was the occasion of capt. Sandon's stating to you that he had destroyed the Note, on your returning from Mr. Adam and myself with a direction to him not to destroy it? It perhaps would be more satisfactory to the house, if I were to state the reasons which led to capt. Sandon's making that declaration to me: After I had seen Mr. Adam I made an appointment with capt. Sandon to meet me at the British Coffee-house at two o'clock on the same day; previous to going to the British Coffee-house, I had the honour of an interview with the Chancellor of the Exchequer; I was desired to repeat what I had previously stated to capt. Sandon, the necessity of his preserving all the papers, and that he should confine himself strictly to the truth in his examination before this honourable house. When I went to the British Coffee-house, there were several persons in the room, and I did not conceive that a proper place to talk upon such a subject; I begged him to accompany me, as I was going towards the city; In going towards Temple-bar, he said, Colonel, I am sorry that I have not complied with the whole of your injunctions, for I have destroyed the note. I told him that he had done extremely wrong; that it would be of serious consequence, and that it must be his own affair. I had no intercourse whatever with capt. Sandon from that period till the day of his commitment by this honourable house; he came to call upon me on the morning of that day; I met him after I left my lodging in Oxford-street; he mentioned that he came to explain to me that he had not destroyed the note; but that he did not mean to produce it. I told him he would do extremely wrong, and that I could only repeat the injunctions I had formerly given him, and that I did not mean to discuss the subject further. After some conversation as to regimental business, we parted. Capt. Sandon stated, that the papers were his own, and that he thought he had a right to do whatever he thought proper with them.

Did capt. Sandon tell you why he did not mean to produce the papers? No, he did not assign any reason whatever.

(By Alderman Combe.)

In the first conversation you had with capt. Sandon, or at a future conversation when he produced the note, did he say they had forgotten this? It is impossible for me to recollect at what period he mentioned to me that he did not confine his observations to the note, but he said, he believed the party who brought forward the inquiry were not aware that such papers were in his possession.

(By Mr. Thompson.)

In your first conversation with capt. Sandon upon this subject, did capt. Sandon promise that he would preserve the note; upon the second interview, did he not tell you that he had destroyed the note; and upon a subsequent interview, did he not tell you that it was not destroyed? No, that is not the order of things. Capt. Sandon promised me that he would follow the whole of my injunctions; I did not lay any particular stress upon that note, or any note, but told him to preserve all the papers, to speak the truth, and not to prevaricate; it was a general injunction, but nothing specific. With respect to the note, that was the first conversation; the second conversation was of the same tendency; it was at the third interview, after we left the British coffee-house, he informed me that he had destroyed the note.

And upon the fourth he informed you it was still in his possession? More than a week, probably a fortnight, had elapsed before he told me the note was in his possession, because it was on the Saturday after the interview with Mr. Adam, that I learned he had destroyed the note, and I expressed surprise that he had done so. I did not see capt. Sandon, except getting out of a gentleman's carriage, the day of his examination, when I had not further conversation than my expressing that I hoped he had not had any intercourse either with Mr. Lowten or the other party; but nothing passed further on the subject of the papers till the morning of the day that he was committed.

A fortnight after capt. Sandon had said that he had destroyed the Note, he informed you that he had not destroyed the Note, which was on the day of his examination here? Exactly so.

When you copied the Note, was the note in an envelope; was there any cover upon the Note, and if so, did you observe the hand-writing of the direction upon that cover? If my recollection is correct, I believe that it was not inclosed in a cover; the direction was something Farquhar, esq. I believe George Farquhar, esq. and the hand-writing appeared to me not to be the same with the contents of the Note; it was not written with that freedom and ease which the contents of the Note were.

What induced you to copy that Note particularly? I was desired by Mr. Adam to do so.

(By Mr. C. Wynn.)

You have mentioned the very proper advice which you gave capt. Sandon, to preserve carefully every paper, and not to prevaricate before this house, but to speak nothing but the truth; were you induced to give that advice simply by a consideration of its general propriety, or in consequence of any thing that had passed with captain Sandon, which made you think that advice particularly necessary? I should state to the house, that I did not consider the advice that I gave to capt. Sandon merely as the advice from one individual to another; I considered that capt. Sandon came to consult me as his colonel, officially, on the line of conduct he should pursue; I was not influenced by any other considerations but those of duty, but I gave him that advice which I thought every man of honour, and every officer ought to follow.

Then the Committee is to understand, that nothing had been said by capt. Sandon which raised in your mind a doubt whether capt. Sandon might not prevaricate and keep back certain papers? No, not even an insinuation on his part.

Upon what day was it that capt. Sandon informed you that he had not destroyed the paper, but had kept it back from this house? The day of his commitment.

What steps did you take in consequence of that communication? I thought it my duty to inform Mr. Adam and Mr. Lowten of the circumstance, and Mr. Harrison.

Did you inform those gentleman of the circumstance? I did.

At what time on that day did you inform those gentlemen of it, and in what manner? It was probably about five o'clock, it was when Mr. Adam came to the house; I met Mr. Harrison coming to the house, and I went up stairs to Mr. Lowten; the communication was made in the course of half an hour to those gentlemen, and probably about five o'clock.

(By Mr. Adam.)

Are you quite certain that I was present at the time you made that communication? To the other two gentlemen? No, I spoke to the three gentlemen separately.

Are you quite certain you made that communication to me? Upon my honour I cannot speak decidedly; I either did, or thought I did, or desired Mr. Harrison to mention it to Mr. Adam; I did not attach any importance to the circumstance at the moment, and it has not attached itself so to my mind as to state it precisely, but if not, I certainly desired Mr. Harrison to mention it to you.

From the time that I conversed with you at the Horse Guards on Monday the 5th of Feb., have I not avoided all intercourse or communication with you upon the subject of the proceedings on this inquiry? So much so, that Mr. Adam has avoided speaking to me upon matters that did not relate to it.

(By Mr. C. Wynn.)

Did you desire Mr. Harrison to communicate this intelligence to any person? I have already stated that I desired him to mention it to Mr. Adam.

(By Lord Milton.)

You did not communicate what you knew concerning this note to Mr. Wardle? I have not had any intercourse, nor have I any knowledge whatever of Mr. Wardle.

Why should you communicate it to one side and not to the other? I have had the honour of knowing Mr. Adam some years, and I conceived I could not go to a more honourable man, nor to a man on whose judgment I had a greater reliance than on Mr. Adam's.

(By Mr. H. Martin.)

You have stated, that you were induced to take a copy of the note in question by the advice which had been given to you by Mr. Adam; what induced you to make an application to Mr. Adam upon that subject? I do not recollect making any particular application as to the note; I stated the affair generally to Mr. Adam, without dwelling more upon the Note than any other part of the transaction.

Why was there floating in your mind any idea of the necessity of copying this note? It is not a very easy matter at an interval of three weeks to state the ideas that might have occurred to my mind at that moment; perhaps I attached more importance to that paper, because it was the only paper that was said to be the hand-writing of the D. of Y.

You must have had some reasons for consulting with Mr. Adam respecting this paper; state what they were.—I can offer no particular reasons; I can assign no other reasons than those I have had the honour already to offer to the house; my opinion of his honour, his integrity, and his public character were such, that I thought I could not do a more proper act than to lay the matter before him.

You have stated, that previous to going to the British coffee-house, you had an interview with the Chancellor of the Exchequer, at what period was that? After I returned to Mr. Adam, and communicated to him that I had seen the note, and read a copy of the note, he said, that the most advisable measure was, for

Mr. Perceval to be informed of the whole circumstance; that he would give me a letter, and desired that I would immediately go to Downing-street, and communicate the whole to Mr. Perceval; which I did immediately, the Saturday morning, the first morning I was in town.

This was previous to your going the first time to the British Coffee-house? Previous.

Did you at any time tell Mr. Adam, or the Chancellor of the Exchequer, that the note was destroyed; and if so, when? I never had the honour of having any communication, either personally or in writing, with the Chancellor of the Exchequer after the morning alluded to. With respect to Mr. Adam, I really cannot bring the thing home to my recollection, whether I spoke to him personally upon the subject, but I certainly took measures that he might be informed of it, by acquainting Mr. Lowten or Mr. Harrison; it is impossible for me to say precisely how I made the communication; it might have been personally.

Then you never saw the Chancellor of the Exchequer, except prior to your going the first time to the British Coffee-house? I have seen him accidentally, but had no kind of communication with him whatever: I have not had any sort or kind of communication with the Chancellor of the Exchequer since the Saturday morning alluded to.

What induced you to seek a communication with the Chancellor of the Exchequer on that occasion? I conveyed Mr. Adam's letter to him, as I have previously stated; I was desired by Mr. Adam to communicate to the Chancellor of the Exchequer all that I knew.

(By Mr. W. Adam.)

Do you recollect having come from Croydon to the Horse-Guards on Sunday noon, the 5th of Feb.? I remained in town on the Saturday, and therefore I did not come from Croydon on the Sunday, but I was at the Horse-Guards on Sunday the 5th of February at one o'clock.

Do you recollect having a very short conversation with me at the Horse-Guards? I do remember a few words passed only.

Do you remember on that occasion, stating to me that capt. Sandon had informed you, the day before, that he had destroyed the note? I do.

(By Lord Folkestone.)

When did you first hear of the note in question? The note was stated to me by capt. Sandon to be in his possession, together with other papers, in our first conversation at Portsmouth.

State the whole of what passed between capt. Sandon and you upon that occasion? I will not undertake to state accurately or verbatim what passed; I will give the purport of the conversation to the house, to the best of my recollection. Capt. Sandon, after reporting his arrival from Plymouth, where he had landed with his troop, said, undoubtedly I had read the newspapers, and had seen his name mentioned as having had something to do with these transactions; that he wished to consult me as his colonel, what was the line of conduct he should pursue, and that to enable me to judge of the matter, he would give me all the information he possessed; and that when he came to town he would allow me to look at all the papers that were in his custody. He began by stating, that he met with a gentleman (he did not name him, nor had I any curiosity to know who he might be) who talked to him on military matters, and who asked him whether he knew officers who might have money, but were without interest to get promotion; he said undoubtedly there might be such persons in the army, but at that moment he could not give any names. but that he would make inquiry; and he afterwards met with a Mr. Donovan, who had served in gen. Tarleton's legion in the American war, and had been wounded there. Mr. Donovan had been surgeon to the supplementary militia, of which regiment he had been lieutenant colonel: that he understood Mr. Donovan was endeavouring to negociate the sale of commissions, and was, in short, what is called an army broker, and that he considered him a very likely person to be able to point out the description of persons I have before stated. That subsequently to that he met with col. French at the house of a major Poole, who is since dead, and who lived in Sloane-street: that upon asking col. French his motives for coming to town, having come from the country, he said, that he had come up to endeavour to do himself service in the way of recruiting the army. Capt. Sandon then related to him what I have previously stated, that a gentleman had promised him very powerful support, and that they had concerted the measure of raising a levy; that he saw a gentleman, and the terms were agreed upon. I do not recollect the specific sums, but I think 500*l.* was to be paid upon the measure being acceded to on the part of h. r. h. the Commander in Chief, that this matter went on for some time, and that he had not the remotest idea through what channel the acquiescence to the request had been granted; that the application had been regular and official, and the answers were official. Sometime after this he had an application made to him respecting the promotion of captain Tonyn. Capt. Tonyn was to lodge, I believe, 500 guineas on being appointed to a majority. Capt. Tonyn had been kept in suspence some time, and was desirous to withdraw his security. I should have previously stated, that he had lodged a security for the payment of that sum; that upon his having made this overture to withdraw this security, Capt. Sandon received a note, which is the note in question, to say, that the promotion should not go on. That some time after, upon capt. Tonyn finding he was not likely to gain the majority, he requested that the thing might go on, and that he would consent to the security remaining where it was; that he then received a second note, to say that the promotion would go on, and mentioning the day it would be gazetted, and then he stated to me that both notes were in his possession; but it is necessary I should add, that capt. Sandon fully explained to me at the moment, that the whole party had been deceived; that they had been led to believe that there was a certain influence by which those objects were to be accomplished, which, ultimately, they found did not exist, and that it was not until considerable sums of money had been paid by him through the medium of another person that he understood that influence was to be procured through the medium of Mrs. Clarke.

[The Witness was directed to withdraw.]

Lord *Folkestone* here addressed the Chairman, and said, he had just received an intimation that Mrs. C. was arrived, for the purpose of attending the Committee, and as she had been greatly indisposed he hoped the Committee would have no objection to examine her immediately, that she might be detained as short a time as possible.

The *Chancellor of the Exchequer* said that, as a witness was under examination, it would be irregular to do it; but in consideration of Mrs. C.'s indisposition, he should not make any objection to it.

Sir *T. Turton* thought there was great irregularity in it, and that the examination of the witness who had just left the bar should be proceeded with.

The *Chancellor of the Exchequer* replied, that he had acknowledged there was an irregularity in the proceeding, but under the circumstances of the case he thought that Mrs. C. should be examined immediately.

A Chair was ordered for Mrs. C., in consequence of her indisposition, and she was desired to come to the bar.

Mrs. MARY ANN CLARKE was called in; and examined.

(By the Chancellor of the Exchequer.)

Have you brought with you the two last notes you received from h. r. h.? What were mentioned in the summons did not purport to be the last notes. H. r. h. did not cease corresponding with me after we parted.

The notes, supposed to be the last, were that which first notified to you h. r. h.'s intention of separating from you, and the note he wrote immediately afterwards? Does h. r. h. state those to be the last notes that he sent to me? I never heard of any others? I have had many; more than fifty from him since that.

Look at that paper, and state whether you recollect receiving a note to that effect from . r. h. (the copy of a note being shewn to Mrs. Clarke). May I read this? Certainly.—(Mrs. C. read the Note) I do not recollect any thing about it; it is very possible I might have received such a letter, and very possibly not. I have been looking over all those letters I have for those he sent me on that day, and cannot find them. I know he wrote one himself, and the other Mr. Greenwood wrote on that day, but which the Duke copied out, and sent to me.

Was the letter that you did receive in Mr. Greenwood's hand-writing in the same hand-writing as that? It is so long ago I cannot recollect, but it was the longest letter that Mr. Greenwood wrote; it was a short note I had in the morning, and the longest I received in the evening; it was written by Mr. Greenwood; His r. h. copied it, and sent it instead of coming to dinner. The letter I received was not in Mr. Greenwood's hand-writing, but I was told Mr. Greenwood wrote it, and h. r. h. copied it and sent it to me; they were dining together.

You were told Mr. Greenwood wrote it? Yes.

By whom were you told? His r. h.'s servant told it to my servants, I waited dinner for h. r. h. after I had seen Mr. Adam till ten o'clock, and sent down several times to Portman-square to know whether he dined with me or not; they said, they fancied he dined with me, as he had ordered no dinner. Between eight or nine o'clock, Mr. Greenwood made his appearance in Portman-square, and they sat down to dinner, and after dinner Mr. Greenwood wrote that letter, and h. r. h. copied it, as I understood. I have mentioned it in several of my letters since to h. r. h. I burnt the letter. I saw h. r. h. afterwards in his own house that same night, but he ran away from me, after Mr. Greenwood had left him.

How long have you recollected that you have burnt that letter? Not till just now, I have burnt many of h. r. h.'s letters, and lost many of his love-letters; those are the only letters that remain.

How long do you recollect that you have burnt that letter? I cannot tell how long. I have recollected it; I have many of his love-letters by me; and when col. M'Mahon mentions that I had many letters in my possession that would make much mischief between h. r. h. the D. of Y. and the Prince of Wales, I have none, nor never mentioned that to him.

How long have you recollected that you burned that letter? I cannot tell; I was not certain that I had burnt it till I had looked over my papers. I never kept any thing that was unpleasant.

Did you ever know Mrs. Favery by any other name but that of Favery? I have learned a great deal since last night.

Were you ever acquainted with her when she went under any other name than that of Favery? No; but I have heard that she has made use of my name, and more especially since last night, which has made me very unhappy indeed, and I am afraid Mrs. Favery will be found to have told a great many stories.

I did not know that Mr. Ellis was a person that she lived with till she told me after she got home, and I told her yesterday, it would be better to go to Mr. Ellis and tell him what she had done, and then come forward to the house, asking his leave, and undeceive them as to what she had said.—A day or two after she had been examined at the house, she told me he was not a carpenter, but that he was a clergyman, and that she was afraid of bringing forward his name.

It was not the same day? No; I had no opportunity of speaking to her the same day.

How many days after having heard that she had made this misrepresentation of Mr. Ellis, did you desire her to go and inform Mr. Ellis? She did not tell me what he was till yesterday morning; I then told her to get a hackney-coach, and go down and ask the gentleman leave to speak the truth, and when she came back last night, she told me she had been married, which I do not believe; I had heard of it before, but did not then believe it, and I parted with her in consequence at Gloucester-place, after telling his royal highness of it.

It was not till yesterday she told you that she had misrepresented Mr. Ellis's situation in life? No, it was not.

What did she tell you, at first, with respect to her evidence? I do not recollect that she told me any thing about it; I spoke to her some time afterwards, and asked her how she could tell stories about my having no company, for I was in the habit of having very large parties every day the Duke dined out; and about having three cooks; I never had three cooks, as I stated before. I only had a cook and his attendant.

When did Mrs. Favery first live with you? Soon after I was married, but she has been in twenty places since.

Did you give Mrs. Favery a character to Mr. Ellis? Either me or my sister did; or some one in the house, I do not recollect which; we came to town for the purpose, some one did.

Were you in the habit of any intimacy with Mrs. Favery at the time she lived with Mr. Ellis? No.

Did you ever call upon her at Mr. Ellis's? I do not recollect that I ever did; I called to fetch her away once when I wanted her, I believe a hackney-coachman fetched her and a young lady.

Did you turn her away in Gloucester-place on account of her having been married? Yes, I did.

How came you to turn her away in consequence of having heard that she had been married? Because I heard the man was a thief, and I had lost some soup plates, and they that though he had stolen them; he was a man of very bad character, and I heard there were a great many stories; and the Duke said it was better that she should go, and proper.

How long was it after you turned her away that you took her into your service again? A year and a half full, I did not take her again till I wanted her very much.

Has she only lived with you once since? No, only once since this time.

How long has she lived with you now? Yes, I believe that Mrs. Nichols and she had a fight at Hampstead, and I parted with her then, I did not recollect that; and I found Mrs. Nicholls was just as bad as Mrs. Favery, and I took her afterwards; I found that there was no difference between the two, and Mrs. Favery is necessary to me; she knows all my affairs, and I believe she keeps my secrets; I have believed so till now, but now I am afraid not.

How often, in the whole, has Mrs. Favery been in your service? Indeed I cannot tell, a great many times backwards and forwards, because I had given her several characters; I never found her dishonest, and I have always given her a character to that effect; she lived eight or nine months in a family where she cooked for sixteen or seventeen, and they gave her a very good character back into another family.

Did Mrs. Favery tell you the name of her husband? O yes, I have heard of the man a hundred times; and have seen his wife, he is a married man. I saw his wife once when h. r. h. was there; a very vulgar woman came one day when I was at dinner, and said that I encouraged my maid servant in seducing a married man, and that she was his real wife; I told her the woman was not in the house, that she had been discharged, which was the truth; and h. r. h. ordered the servants to take her to some prison, which they did, and she was there two or three days for her bad behaviour.

You are sure you only went to Mrs. Favery once when she lived with Mr. Ellis? Yes.

And that was in a hackney-coach you are sure? Yes, I am.

[The following Question and Answer, in page 459, being read to the Witness:]

> "Did you ever receive a list of names for "promotion from any other person than "capt. H. Sandon and Mr. Donovan?— "I never received such a long list from "any one, nor such a list; I never re"ceived more than two or three names; "this I had for two or three days; "it was pinned up at the head of my "bed, and h. r. h. took it down."

(By Mr. C. Adams.)

Do you abide by that account? Yes, I do; I never attended to any other; I do not know what others may have been given me.

How long was that list so pinned up? The second morning h. r. h. took it down, drew up the curtain and read it; and afterwards I saw it when he was pulling out his pocket-book some time afterwards, when one or two promotions had taken place, with his pen scratched through those names, when he took out his pocket-book to look at some other papers. I only make this remark, as I have heard a genleman on my right hand say that I had picked his pocket.

Did this list remain up one whole day, or was it taken down the next morning? No, it remained there, I believe.

Was this list seen by any other person besides yourself and h. r. h.? I suppose the maids that made the bed; but perhaps they could not read, or did not understand it; I do not know.

You are quite sure h. r. h. read it? I am quite sure, he read it in my presence, drew up the curtain, and afterwards came to me and made the remark, that he would do every one by degrees, or make them, or to that effect.

Do you know that Mrs. Favery ever saw this paper? I am sure I do not know; if she did, she knew nothing about it.

(By the Attorney General.)

Did you ever live with Mr. Ogilvy? No; I never lived with any man but the D. of Y.

Did Mr. Ogilvy ever live with you? No, never; gen. Clavering called on Mr. W. Ogilvy a few days ago, and asked him whether he would come down here and speak against my character; that he was instigated to ask him by Mr. Lowten.

Are you acquainted with Mr. Ogilvy? Very well, both of them.

How long ago have you been acquainted with Mr. Ogilvy? I cannot recollect.

About how many years? I cannot recollect at all.

Two years? Yes, certainly two years.

Four years? I do not know; yes, four years.

Six years? No.

Have you not known Mr. Ogilvy six years? No.

You did not know him six years ago? I do not think I did.

How long did you know Mr. Ogilvy before you lived with the D. of Y.? Only a few months.

Did you know Mr. Ogilvy before he was embarassed in his circumstances? No, I did not.

Before he failed? He was just failing, and his books were made up as I knew him.

Was any thing owing from Mr. Ogilvy to you at the time of his failure? No, nothing at all.

Were you examined as a witness in Mr. Ogilvy's bankruptcy? Yes, I was; but I was living with the D. of Y. at the time, though unknown to the world; there is a pamphlet going about now, but it is not true.

(By Mr. Whitbread.)

Since the date of your separation from the D. of Y., have you frequently had letters from h. r. h.? Yes, I have.

Can you, by any one letter, substantiate that fact? Yes, I can; but they are not civil ones since I left him.

Produce some one letter to substantiate that fact.—I believe that I may have a little note or so, for they always consisted of short notes in answer to some request of mine in some letter. I have brought down envelopes, to shew that the note I have seen here is in the same sort of character as the notes I have; here are eight or ten in my hand. I have many notes I could shew since his h. r. h. and I have parted.

Subsequent to the date of the separation? Yes.

Are they dated? I believe some of them are, and perhaps there is one or two among these.

Are either of those notes signed? His r. h. never signs any thing unless it is necessary; here is his name to one of the notes; it was merely for his box at the play; they are all his writing; I have taken the insides out.

Is that which is signed, subsequent to the separation? No.

Put in some one or more notes, as you shall think fit to select from those you have, for the purpose of substantiating that fact? Here [three letters] are something I have picked out which I thought to be like the hand I saw here the other night; I should wish to deliver them in, because I know they are exactly like what I have seen here.

Are those you have here subsequent to your separation from the D. of Y? No, they are not; unless one of them is.

Put in some one or more notes subsequent to the date of the separation? A gentleman asked me for a seal or two when I was here the other night; I should wish to put them in, because the story of a forgery going about is extremely unpleasant.

Are those papers in the hand of the clerk, the only ones you wish to put in? It is not the only one I wish to put in; I have many at home, but the inside of that is what h. r. h. has written to me since.

Look at the outside and inside for the purpose of saying whether it is h. r. h.'s hand-writing? They both are; I have dates to some at home.

Do you wish to put in any more papers? Yes, I wish to put in all these I have here. Here is another since h. r. h. parted from me.

Do you mean to assert, that that first note you have sent to the table, was written to you after your separation? Yes, I do not say for the outside, because they are confused; but certainly the inside was, as the language will shew.

Put in such papers as you have now with you, which you are desirous of putting in? I wish to put in all these [delivering in several letters.]

Have you sufficiently examined all the papers you have put in, to be able to state that they are all the D. of Y's hand-writing? Yes, I have.

Can you discriminate such as were written before, and such as were written after your separation from the D. of Y? Yes, they are only mere envelopes, to shew the hand-writing as nearly as I could guess, what I saw here the other day; and this is since the separation.

Will you look at that, and say whether it was written before or after the separation? This was written by the D. of Y. some time after, when he sent me the 200*l.* to go out of town after the separation.

Is the Note which you have just now put in, and which you have just seen, dated? No, it is not.

Will you produce some of those notes with dates, which you say you have in your possession, which were written subsequent? I will do so.

[Two Notes, directed, "George Farquhar, esquire," were read; one beginning, "I do not know what you mean," &c.—Another, beginning, "Inclosed, I send you the money," &c.]

(No. 1.)

"I do not know what you mean; I have "never authorized any body to plague or dis- "turb you, and therefore you may be perfectly "at your ease on my account."

(No. 2.)

"Inclosed I send you the money which you "wished to have for your journey.

"Inclosed, My Darling receives the Note, "as well as the money, which she should have "had some days ago."

"My Darling shall have the Ticket for the "Box the Moment I go home. God bless "you."

(By Mr. Thompson.)

Was it customary with the D. of Y. to mix, in what you call Love Letters, any thing relative to Military or Ecclesiastical Promotions? I hardly know how to answer that question.

Have you not stated that you had several letters, which you call Love Letters, from the D. of Y., in your possession at present? Yes, I have, and some of my friends have.

Is there any thing in any of those letters relative to Military or Ecclesiastical Promotions? No.

(By Mr. Lockhart.)

Has any person been present when you looked over your papers relative to the subject of this Inquiry? No, not over his letters.

Has any person assisted you in looking over any other papers relative to this Inquiry? I have never let any one look over any papers.

(By Mr. Herbert.)

Did you, when you lived in Gloucester-place, always pay your bills yourself, or did you sometimes pay them through the medium of your housekeeper? Sometimes myself, sometimes my housekeeper; but the common tradesmen, such as butchers and bakers, I never paid myself.

Who was that housekeeper? Mrs. Favery.

Did Mrs. Favery ever represent to you that the creditors were so clamorous that she (Mrs. F.) was accused of having most likely secreted the money by not paying it? Yes, but then I never minded what she said.

Did Mrs. Favery represent the absolute necessity of the D. of Y.'s supplying you with money to pacify the creditors? Yes, of course if she was teazed by people she teazed me.

Did this often happen? She is the best judge.

Were not the creditors often paid in consequence? Yes, if they were very clamorous.

Were not those sums to a very considerable amount? I do not know what is called considerable.

Were they to the amount of 1,000*l.*? She would speak of different tradesmen teazing for their bills, I do not know to what amount.

Do you not know that bills were often paid, and to a large amount, in consequence of your applications to the D. of Y. upon the representations of Mrs. Favery? No, he never paid a bill for me on its being so represented, and I never had credit with any of his people, nor never got money on his account.

Mr. *Whitbread* said there were but three or four Letters requisite to be delivered: he therefore moved, That all the letters, except three or four, be returned to Mrs. C., which was done accordingly. The hon. member then requested that Mrs. C. would send two or three of his royal highness's letters, with dates, or by the postmark of which it could be ascertained that they had been written since the separation took place. He was particular in this, because as he hoped the inquiry would close this evening, it would be necessary for Mrs. C. to attend again, and a messenger might go with her to bring back the letters.

Mrs. *Clarke* answered, she would send them as soon as ever she got home.

(By Sir T. Turton.)

Do you recollect that, in the presence of Miss Taylor, the D. of Y. and yourself ever talked of military promotions? I am sure I cannot say; His r. h. did not mind what he said before Miss Taylor; he was very fond of her.

(By Mr. Lockhart.)

The witness says that several of the D. of Y.'s letters are in her own possession, and in the possession of several of her friends; I wish her to name those friends in whose possession the letters are.

[The Witness was ordered to withdraw.

Lord *Folkestone* desired to know by what right or title the learned gent. was authorised to inquire where all the letters, which Mrs. C. stated herself to have received, were to be found?

Mr. *Lockhart* observed, that the noble lord seemed to forget that it was a Committee of Inquiry, and that it was competent to demand any documents which might be necessary either to the conviction or acquittal of the illustrious person, against whom the Charges under investigation had been brought. The witness had no right, therefore, to withhold any letters which might conduce to elucidate the subject of inquiry. If the Committee, however, should be of a different opinion, he should not press the question, though upon the broad principle he was convinced it was a proper one to put.

Lord *Folkestone* contended that the argument of the learned gent. went too far, because it would go to the extent that the witness was bound to produce all her papers, in order to give the learned gent. an opportunity to look them over, and judge which were applicable to the question under consideration. Any papers the Committee would be authorized to demand, ought to be defined; and the learned member well knew, that it was not in the practice of any court of justice to order a party to produce all his papers, with a view that the court should decide, on examination of them, which were relevant to the matter in issue.

Mr. *Bathurst* observed, that the noble lord seemed to have mistaken the object of the learned gent.'s question. They were not Mrs. C.'s letters which he wished to have produced, but the letters of the royal person the Charges against whom the Committee was engaged in investigating. If the noble lord, or the hon. member who brought forward the Charges, had put the question of the learned gent., he was convinced that no objection would have been made to it. The Committee was a court of inquiry, and it was certainly competent to any hon. member to call for any papers which might aid the investigation. On the whole, therefore, he thought that the letters of his royal highness ought to be produced, though if the learned gent. could take upon him to say, that they would not bear upon the subject, it would not be desirable to add them to the Minutes.

Mr. *Charles Adams* thought that the question was a fit one to be put, but that it would be competent to the witness to refuse to answer it.

The *Chancellor of the Exchequer* agreed with his right hon. friend (Mr. Bathurst), that if any hon. member thought any one letter would throw light upon the subject, he might call for its production; and if no objection could be made to the production of one, none could be made to the production of all, if called for. If the noble lord had moved for the letters, no objection would have been made to his motion; and what right had the noble lord to suppose the motive of the learned gent. in calling for them different from that which would have actuated himself? He agreed, however, that it would not be desirable to place the letters upon the Minutes, already swelled to an inconvenient bulk, unless they should bear upon the subject of inquiry. Upon this ground, he would submit it to the learned gent. to withdraw his question; but if he was disposed to insist upon it, he saw no reason on which the Committee could reject it.

Mr. *Bathurst* stated, that the witness had already declared in evidence, that in no one of the love letters was there any mention of military or ecclesiastical preferments.

Mr. *Lockhart* observed, that the object of his question had been misunderstood. It was not his wish to have all or any of the letters produced. It would be recollected that the witness had been assisted in preparing the papers for this investigation; and the object of his question was, to discover in whose hands the letters were, with a view to come at some information respecting the person who assisted her, and the nature and circumstances of that assistance. He should therefore not press his question.

Mr. *Marryat* thought the witness had said, that all the love letters were either in her own or her mother's possession.

Mr. *Rose* thought, that as the witness had stated, that the letters did not contain any thing relating to military promotions or ecclesiastical preferments, their production was unnecessary; otherwise, he should have had no objection to the question.

Mr. *Whitbread* wished the learned gent. to withdraw his question. As to the object stated by the learned gent., for which he had put his question, namely, to discover who had assisted the witness in preparing the papers for the Committee, he should only observe, that, if it was the case, it would be quite natural, that the person conducting this investigation should have looked over the papers which might bear upon it. He had stated this only to shew that the Committee did not acquiesce in the inferences to be drawn from the learned member's statement of his object, that blame was imputable any where.

Mr. Lockhart then withdrew his question.

Colonel DIGBY HAMILTON was again called in, and examined.

(By Lord Folkestone.)

Did capt. Sandon state to you, that he had ever received any sum of money from major Tonyn? No.

Did he state to you from whom he received the note? To the best of my recollection, he stated that he had received the note from Mrs. C., or that it had been conveyed to him from Mrs. C.

When did you see that note? On the Saturday after I had my first communication with Mr. Adam.

Was that note wrapped up in a piece of paper, or accompanied with a piece of paper with another similar direction upon it? I do not recollect whether it was wrapped up in a piece of paper, but capt. Sandon shewed me part of the cover of a letter which had the Dover post-mark upon it, and requested I would look at the similarity of the address of that letter with the note in question.

When you were informed that this note was not destroyed, are you now certain whether you informed Mr. Adam or not? I can only repeat the reply I made to that question before: my mind was impressed with the idea that I had informed Mr. Adam, or taken effectual measures that he should be informed of the circumstance.

Are you certain that you informed Mr. Harrison? Yes.

Why did you inform Mr. Harrison? Knowing that Mr. Harrison was employed on the part of h. r. h.

How did you know that Mr. Harrison was so employed? From my having been frequently in the room when Mr. Harrison came into it, where Mr. Lowten does his business, in consequence of my being ordered to be in attendance upon the house.

From whom did you learn that Mr. Harrison was employed as the agent of the D. of Y.? From no particular person; but it was impossible to be in that room, and not to observe that Mr. Harrison was so employed.

Did you understand that Mr. Lowten was the agent of the D. of Y.? Clearly.

How did you learn that? From observing what passed in the room where Mr. Lowten sat.

Were you referred by any one to Mr. Lowten? I received a note from lieut. col. Gordon, desiring my attendance upon this house, and that I was to call upon Mr. Lowten, whom I should find upon making inquiry here. I received a note at Croydon-barracks, which induced my attendance.

When capt. Sandon shewed you the piece of paper with the Dover post-mark upon it, did he state to you how that piece of paper came into his possession? I do not know as he did; it was merely to impress my mind that the letter and the note were directed in the same hand-writing; I do not recollect any other conversation having passed.

How long have you been acquainted with capt. Sandon? I have known capt. Sandon since the year 1794, but capt. Sandon has never been my acquaintance; I have known him in my military situation only; he served on the continent at the same period I did, but without having any intercourse, merely knowing him as capt. Sandon; we did not serve in the same corps.

Had you much intercourse with him in the years 1804 and 1805? None whatever, but what was strictly official.

(By Mr. Shaw Lefevre.)

Did capt. Sandon manifest any reluctance in allowing you to take a copy of the note? None whatever; it was done with his perfect concurrence.

After he had stated to you that he had destroyed the note, did he say any thing to you respecting the copy you had taken? He never alluded to it.

(By Mr. Bathurst.)

Did capt. Sandon shew you the other note to which you have referred? Upon producing the note in question, I brought to his recollection that he said there were two notes in the conversation which took place at Portsmouth; upon which he replied, that he must either have been mistaken, or if there had been a second note, he must have given it to major Tonyn, to convince him that the promotion was to go on.

Did capt. Sandon explain to you what the contents of that note were, and by whom it appeared to be written? It will appear in the former part of my testimony, that I stated to the house, that the second note was to convince major Tonyn that the promotion would take place, but he never stated to me that either of the notes were written by the D. of Y., or by whom they were written.

Why then did capt. Sandon compare the first note with the envelope of the letter? I have already stated, that he produced the envelope of the letter to convince me that the hand-writing of the note and the letter were by the same person; he assigned no other reason for producing the part of the envelope; it was not entire; there might be half of it.

For what purpose did you understand he wished to prove the two papers were of the same hand-writing, unless he pointed out some person whose hand he pretended it to be? I must state most unequivocally, that capt. Sandon did not point out the hand-writing to be the hand-writing of any particular person; all that he wished to convince me was, that the two papers had been written by the same person without any comment or observation beyond what I have stated to the house.

Were no comments made upon the post-mark from Dover? He merely stated, you will see that has the Dover post-mark upon it.

At what period of your conversation with capt. Sandon was it that you observed to him, if you did, that you thought the note appeared to be written by the Commander in Chief? I have never stated that I had made such a declaration to capt. Sandon, because no such observation was ever made to me by capt. Sandon.

Did capt. Sandon state from whom it was that he received the second note? I have already stated, to the best of my recollection, that he did not state precisely how they came into his possession, but I understood he received them from Mrs. C. personally, or through some other means from her; I did not enter into those particulars with him.

Both notes? Both notes.

Have you not already stated that capt. Sandon appeared to think the note, of which you took a copy, was a note of some importance? It is impossible I could have stated any thing of the kind, because I have never stated capt. Sandon's opinions upon the subject at all.

(By Lord Milton.)

When you communicated to Mr. Adam what you knew concerning this note, did you do it with an intention or expectation of its being made known to this house? I stated the circumstances as I have related them to the house, to Mr. Adam with a view of having his opinion, and that his judgment should be exercised upon the subject rather than my own; I had not come to any precise decision in my own mind how I was to act, and therefore I thought I could not conduct myself with greater propriety than to consult Mr. Adam, what line of conduct I should pursue.

Am I right in my apprehension, that you have stated that you considered this note of importance to the inquiry that was going on? I have already stated to the house, that when I saw the note, I believed it to be, according to the best of my judgment, the hand-writing of the D. of Y., and therefore it was impossible that I should not attach very great importance to the note.

After your communication with the Chancellor of the Exchequer, did you know that it was the Chancellor of the Exchequer's intention not to produce this note to the house for some days? I had no knowledge whatever of the intentions of the Chancellor of the Exchequer upon the business.

(By Mr. Thompson.)

I think you have stated that capt. Sandon said that the usual channel of promotion had failed, or that he and others had been deceived with regard to the influence which he expected to be exerted, but that another channel of promotion was opened, but at a considerable expence; do you know any thing of the new channel of promotion to which capt. Sandon alluded? I believe that if a reference is made to my statement, nothing of the sort will appear; I believe I have stated to this hon. house, that capt. Sandon informed me that after considerable sums of money advanced by him for objects of promotion, they ultimately found the influence supposed to exist on the part of Mrs. Clarke, did not exist, and that it failed on the proof of trial; and that he never alluded to any new source or channel of promotion whatever.

What other person was alluded to, in your opinion, when capt. Sandon mentioned that? Captain Sandon alluded to the original person, but I have already stated to the house, that my curiosity was not excited to know who that person was, and he never informed me who was the intermediate person who received the money and transacted the business.

(By Mr. Lockhart.)

Did capt. Sandon mention to you his intention of destroying the note? On the contrary capt. Sandon promised me, that he would preserve all the papers, and that he would follow the whole of the injunctions I had laid upon him.

Did he ever mention to you he had destroyed it? I have already stated to the house, that in a conversation that took place between capt. Sandon and myself upon our leaving the British Coffee-house, he did state that he had destroyed the note, and that I exclaimed, Good God! you have done extremely wrong.

Did he mention to you what motive he had for destroying it? Captain Sandon has never mentioned to me any motive which can have actuated any part of his conduct.

Did he ever mention that the concealment of the note would be a benefit to any person? Never.

Did he ever mention that the production of it would be a prejudice to any person? Certainly not.

[The Witness was directed to withdraw.

WILLIAM HARRISON, esq. was called in and examined.

(By Lord Folkestone.)

Are you agent, or counsel, to the Duke of York in this business? Certainly not agent, nor can I call myself counsel.

Are you employed by the Duke of York in any way? I was desired in a very early stage of this business, to assist in any way in which I could assist, in advice or otherwise, but I did not understand that any counsel could appear for the Duke of York, or that I was employed in that capacity. I am consulted by three of the military offices, the Office of h. r. h. the Commander in Chief, the War Office, and the Barrack Office, upon military subjects in which it is necessary to consult a professional gentleman, and was, I believe, called upon to assist in consequence of the knowledge that it was supposed I possessed of military subjects, as connected with legal consideration.

Was it in consequence of so being called upon that you have attended constantly the proceedings of this house upon this business? Certainly.

When did col. Hamilton inform you that the note purporting to be written by the Duke of York, and supposed to be destroyed, was not destroyed? It was between four and five, I believe towards five o'clock on the evening of the day on which capt. Sandon was called in and committed. I met col. Hamilton in Parliament-street, I believe I was walking at that time with the Solicitor General; he took me aside and told me, that he had just heard, or heard that morning, I do not recollect which he said, that the note was not destroyed, but was still in existence.

Did you take any steps in consequence of that information? I very shortly afterwards, almost immediately, I cannot recollect whether I went a little further on, came back to the house. The committee, I believe, was sitting when I came in, and I informed, I believe Mr. Huskisson, but I am not quite certain whether it was Mr. Huskisson or another gentleman who was just coming into the house, that I had just received this information.

Were you present in the house after giving that information at the proceeding on that night? I was.

Was this information given before the statement made by the Chancellor of the Exchequer? Certainly.

[The Witness was directed to withdraw.

WILLIAM HUSKISSON, esq. attending in his place, was examined.

(By Lord Folkestone.)

Did you receive the information with respect to the note from Mr. Harrison? I did.

What did you do in consequence? I received that information, I believe a very short time before my right honourable friend rose in his place to make a statement to this committee of what he had heard from colonel Hamilton on the subject of this note; I stated to him, I am told by Mr. Harrison, that he has heard from col. Hamilton that the note is not destroyed; and I believe I added, I think it can make no difference whether it is, or is not, in the statement you have to make; and in the examination of capt. Sandon, I certainly stated to my right hon. friend, that I had received this information from Mr. Harrison, who told me he had received it from col. Hamilton.

Had you heard of this note before that? I had been informed, by my right hon. friend, in confidence, of the account col. Hamilton had given of this transaction, and of his intentions, as I believe other members were informed, to make the statement to the house.

The right hon. SPENCER PERCEVAL, attending in his place, was examined.

(By Lord Folkestone.)

Would you wish to correct or alter any part of the evidence you gave on Monday, relative to this transaction? I do not recollect any part of the evidence I gave on Monday that I would wish to correct or alter; if the noble lord, in consequence of the information he has now collected, would wish to ask any other question, I will give an answer.

When you made the statement to this committee, of the destruction of this note, had you heard that the note was not destroyed? When I made the statement to the committee, I had received such a communication as my hon. friend has just mentioned, and I did in the statement that I made to the committee, if my recollection does not extremely fail me, state that I did by no means know whether the note was destroyed or not, and that statement I certainly did make in consequence of the information I had but recently received, for, except from that recent information, I had strongly impressed upon my mind that the note was destroyed.

State who the persons were to whom you had given information respecting this note? I can state several, but I cannot undertake to be certain that I can state them all; I communicated it to the Solicitor General, to the Attorney General, to my lord Castlereagh, to Mr. Canning, and I think I mentioned it to Mr. Yorke, and I am pretty confident that I mentioned it to others; I mentioned it likewise to the Lord Chancellor, I mentioned it to my lord Liverpool and I mentioned it to Mr. Huskisson and Mr. Long, and they concurred in the opinion that Mr. Adam should communicate it to some friends of his on the other side of the house; and I believe that to every one of the gentlemen whose names I have mentioned, I did state at the same time my opinion, that from the first moment that I had heard of the existence of this note, I felt it to be my clear duty not to be the depository of such a secret; that I formed that opinion upon the first day that it was communicated to me, before I understood it to be destroyed, and that as soon as I did know that it was destroyed, which was the next day, I then communicated it to the different persons that I have mentioned, but I believe that no person did know of the existence of the note till I heard it was destroyed, except I believe the Lord Chancellor, when I had reason to believe it was in existence. Before I heard that it had been destroyed, I determined to communicate the fact, so that the note, if it was not destroyed, should be extracted by the evidence at the bar; and when I heard that it was destroyed, I still continued to act upon that determination, and made that determination known. In the examination that I made of the witness (Sandon) at the bar, I had in my mind, the whole time of that examination, the various points of fact which the witness had communicated to col. Hamilton, and if the witness had not at last confessed that the note was not destroyed, I should unquestionably have asked him, whether he had not communicated to col. Hamilton, that very morning, that it was not destroyed.

WILLIAM ADAM, esq. attending in his place, was examined.

(By Lord Folkestone.)

Did you receive from col. Hamilton, or Mr. Harrison, any information that this note was not destroyed? I certainly received no information from col. Hamilton that this note was not destroyed: I cannot take upon myself to recollect, whether I received the information that it was not destroyed from Mr. Harrison or Mr. Huskisson; but much about the same time that Mr. Huskisson had stated himself to have received that information, I became possessed of that fact. I wish to state, that the circumstances which have been stated by Mr. Perceval respecting the determination to communicate, from the first moment of our intercourse upon that subject, was my determination as well as his. I wish further to state, that as soon after the note was reported to me to have been destroyed as I could possibly make the communication, I made the communication to the gentlemen whom I mentioned before, lord Henry Petty, general Fitzpatrick, and Mr. Whitbread: I wish to add, that I mentioned it to those gentlemen, as Mr. Whitbread stated, on the Monday preceding capt. Sandon's first examination, and that on the day preceding his second examination, I mentioned it to my learned friend sir Arthur Piggott, and to my learned friend Mr. Leach.

Rev. JOHN JOSEPH ELLIS, was called in, and examined.

(By the Chancellor of the Exchequer.)

You are a clergyman? I am.

In what situation of life are you? One of the masters of Merchant Taylors School.

Do you know a person of the name of Favery; Mrs. Favery? Not by that name.

By what name do you know a person, who has presented herself at this bar as Mrs. Favery? Elizabeth Farquhar.

Did she live in your service? Yes.

To whom did you apply for the character of Mrs. Farquhar, before she came into your service? To Mrs. Clarke.

Mrs. C. who has been examined here this evening? Yes.

Where did Mrs. C. live at the time you applied for Mrs. Farquhar's character? In Golden-lane.

Do you recollect the year in which Mrs. Farquhar came into your service? It was in the beginning of July, 1800, and, with the exception of three months, she lived in my family two years.

You were not, at that time, a carpenter? By no means, I was not.

Did you apply to Mrs. C. for the character of this servant? I did.

Can you recollect what name you represented to Mrs. C. the servant stated to belong to her? Elizabeth Farquhar.

Are you certain that you asked Mrs. C. for the character of a servant who called herself Elizabeth Farquhar? Certainly.

Did you ever know of Mrs. C. calling upon Mrs. Farquhar while she continued in your service? Yes, repeatedly.

Did Mrs. C. come in a carriage or on foot to see Mrs. Farquhar? I rather think on foot, I never observed a carriage.

Did she stay any time with her when she came there? Sometimes half an hour, sometimes an hour.

You say frequently, can you say whether it was eight or ten times in the period of her living with you? I should think full that.

Did she come to visit Mrs. Farquhar as an acquaintance, or for what purpose did she come? Her visits appeared to me to be very familiar, principally in the morning.

Did you understand whether there was any relationship between Mrs. C. and Mrs. Farquhar? From the familiarity that subsisted between them, I surmised as much.

Did you live in the same place during the time Mrs. Farquhar lived with you, or did you change your residence? I have lived in my present residence fourteen years.

Then during the whole time Mrs. Farquhar was living with you, your town residence was constantly where it is now? Where it is now.

Had you occasion while she lived with you, to take your family to the sea-side for their health? Only once, while she lived with me.

Did you go with your family upon that occasion? I did.

Did you leave your family there, or come back with them? I went with them, and returned with them.

You stopped with them the whole time? Yes, and returned with them.

Was Mrs. Farquhar with you during the whole time? She was with me during the whole time.

Had you any reason to know from Mrs. Farquhar whether she was a married or a single woman, at the time she lived with you? I considered her a single woman, and had no reason to suppose the contrary.

Had you any reason to know from her whether she had a mother living at the time? I know she had a mother living, because she left my service after she had been in my family a twelve-month, for the space of three months, to nurse her mother, who was reported to be very ill.

Had you any means of knowing where her mother lived at the time Mrs. Farquhar was in your family? I know it was somewhere about Tavistock-place, but where I did not ascertain.

From what did you learn that? From Elizabeth Farquhar herself.

That she lived near Tavistock-place? Somewhere in that neighbourhood.

Have you seen Mrs. Farquhar lately? I saw her last night.

What occasion had you for seeing her last night? She called upon me, and requested particularly to see me, and the motive of her visit was, that she felt herself extremely ashamed, and much hurt that she had mentioned my name in the manner that she had done; and further, to say that she did not know how to appear before this honourable house this evening, because you would not give her any credit for what she might state hereafter. I would further add, that she observed it was from motives of delicacy she withheld my name and my place of residence, and being taken by surprise.

Delicacy to whom? Delicacy to my family.

Did she say it was out of delicacy to your family she mentioned you to be a carpenter? She stated that she felt particularly ashamed that she had stated what she had relative to my profession.

Did you learn from her that she knew you had been summoned to be a witness at this house? She knew it from reading the paper yesterday.

Did she inform you that she knew it? Yes, she did.

What did your family consist of at the time you went to the sea-side? At that time my family consisted of three children.

Was your wife alive? Yes.

She went with you? Yes, she went with me.

(By Mr. C. Adams.)

Were you ever present at any of the visits you described to have happened between Mrs. C. and Mrs. Farquhar? Never.

How then does it happen that you know that great familiarity passed between them? Though I have not been present in the room with them, I have seen them meet together at my door, and they have addressed each other with great familiarity.

(By Lord Folkestone.)

Have you seen that Mrs. C. lately? This evening in the lobby; but not to speak to her.

That is the same Mrs. C. who used to visit this Mrs. Farquhar? The very same.

Has Mrs. Farquhar been in your family at any period since that time? Not since she left my service in the month of May 1802.

(By the Chancellor of the Exchequer.)

In what situation in your family did Mrs. Farquhar live? As nursery-maid.

Have you seen Mrs. Farquhar here? I saw her pass through the lobby this evening; but not to speak to her.

[Mrs. Favery was called in.]

Mr. *Ellis.* This is Mrs. Farquhar.

Mrs. FAVERY was examined.

(By the Chancellor of the Exchequer.)

Is that the Mr. Ellis whom you represented as a carpenter the other night? Yes, it is; I had no other motive in disguising Mr. Ellis than my respect for the family, to bring a gentleman from the pulpit to the bar.

What is your name? My name is Favery.

How long have you been called by the name of Favery? Always.

Have you not been called by any other name? I took her name by Mrs. C.'s permission; I asked her if I might, and she said yes, I might take that name if I pleased; that I might get more respect shewn me.

When was that? Some years ago.

How long ago? Ten years ago; it is between six and seven years ago since I lived with Mr. Ellis.

How long have you been acquainted with Mrs. C.? Ever since she was married.

How long is that? It is 12 or 13 years ago; I cannot exactly say.

Were you in Mrs. C.'s service when you desired you might take her name? Yes, I was.

And that you might gain more respect, she told you to take her family name when you were living in her service? Yes.

Had you ever taken that name before? No.

What name did you go by before? Always my own name.

What was that name? Favery.

How long is it that you have dropped the name of Farquhar, and taken to the more ordinary name of Favery? I am not obliged to answer those questions; I did not come here on that account.—[The Chairman directed the Witness to answer the question.]

How long is it that you have dropped the name of Farquhar, and taken to the more ordinary name of Favery? I might take it if I pleased; I was not forced to take Mrs. C.'s name; she told me I might if I pleased, and I did it.

When did you drop the name of Farquhar, and take again the name of Favery? When I went back to Gloucester-place.

Was that that you might have more respect from the name of Favery, or out of delicacy to Mrs. C.'s family? More to Mrs. C.'s family than to myself.

I think you just told me, that in Mrs. C.'s family it was, that for the sake of having more respect you dropped the name of Favery, and took the name of Farquhar? That was to go to Mr. Ellis's; it was when I went there; and when I went back to Mrs. C. I told you my name was Favery.

Was it not to disguise from the family of Mrs. C. that your name was Farquhar, that you took the name of Favery? No, I had no cause to disguise myself in any point whatever; I have never done any thing that I was ashamed or afraid of; I had no call to disguise myself in any point whatever.

Where does your father live? In his grave.

Where did he live? In Scotland.

What name did he go by? Favery.

Has your mother married since your father died? My mother is dead.

How long is it since she is dead? Some years ago.

How many years ago? I cannot recollect; such questions as that put to me.

Did your mother die before your father?

No, my father died first, and my mother afterwards.

Were you come to England before your mother died? Yes.

Were you in Mr. Ellis's service before she died? No.

Did you ever go to see your mother when you were in Mr. Ellis's service? No, I did not.

Did you continue in Mr. Ellis's service from the first time you went into it till the last time you quitted it, without interruption? I went away from Mr. Ellis's; Mrs. Clarke came for me in a coach, with her sister, and desired me to come to her child, which was ill, Miss Mary Anne; I went up to Hampstead to her; I said to Mr. Ellis that I wished to go away; he said, for what reason? I said my mother was ill, and I wished to leave; that was not so, but I did not wish to offend Mr. Ellis; and I went to Mrs. C. again, and staid with her some time, and then went back to Mr. Ellis's.

And you told Mr. Ellis when you went back, you had been nursing your sick mother? Yes.

Who was it you used to visit near Tavistock-place, when you were with Mr. Ellis? I never visited any body there while I was with Mr. Ellis; I did not know Tavistock-place at that time.

Who was it you used to represent to Mr. Ellis as your mother, that you wanted to go and see when you wanted to go out? Mrs. C. and her children, and no one else; and if she was here she would represent the same.

You represented that as a visit to your mother? Yes, because I did not wish to tell him I was going there.

You told him your mother's name was Mrs. Farquhar? I did not tell him, because he never asked me.

Where did Mrs. C. live at that time? At Hampstead.

Not in Tavistock-place? No, she did not; and I did not know Tavistock-place at that time.

Did you use to tell Mr. Ellis you were going to Hampstead? Only once, and he gave me leave to go.

Where did you use to tell him you were going to? I never told him any where; he never put those questions to me; it was not above once a month, or once in six weeks that I did go out.

Did you ever live with Mrs. C. in Tavistock-place? I lived with her mother, and she lived there too some time after that.

Are you any relation of Mrs. C.'s? That is not a question to put to me upon the business.

[The Chairman directed the Witness to attend to the questions, and to answer them in a manner becoming the dignity of the Committee.]

Are you any relation of Mrs. C.'s? No, I am not a relation to her.

What objection had you to answer that question? Because I think there is no reason to put me such questions as that, that are not upon the business I was brought here upon.

Did you never tell any body that you were a relation of Mrs. C.'s? No I do not think that I ever did.

Can you have any doubt of that? Yes, I can.

How came you to doubt about it? I lived with Mrs. C. to be sure; I know what you want to bring forward, and I will bring it forward myself; I suppose about my being married to Mr. Walmesley.

If you have any thing to bring forward about Mr. Walmesley I shall be very glad to hear it? I was married to this man, and I married in the name of Farquhar; he was a married man, and I would not live with him; he had a wife before me, and I never cohabited with him when I knew of it.

How came you to marry him in the name of Farquhar? I spoke to Mrs. C. upon it, and said, I am going to be married; she said, To whom? I said, To a coal-merchant; which I thought he was at the time, but I was deceived; she said, I would not have him; I said, I will, and I was married to him. I married in the name of Farquhar.

How came you to marry in the name of Farquhar? Because I had left Mrs. C.; she had not any money to give me, and she said if I could get any thing upon credit, I might take it in her mother's name, and so I did; and I took bills in the name of Mrs. Farquhar, and Mrs. Farquhar paid them.

When was this? Three years ago; I left Mrs. Clarke at the time.

It was upon that occasion Mrs. C. permitted you to take the name of Farquhar? No, before that she permitted me, I assure you.

Then you went by the name of Farquhar before you married? Yes, I did.

How long did you live with your husband? Four months; no longer.

Did you never represent to your husband that you were related to Mrs. Clarke? No, I never did.

That you are positive of? Yes, I never did, indeed, do that, because he asked me several times, and I told him, no, though I went by that name I was not related to Mrs. Clarke.

How came the real Mrs. Farquhar to pay so many bills for you, which you drew in her name? Because I lived with her daughter, and she gave me no money; I never had above 10*l.* of her in my life; I had only 10*l.* of her all the time she lived with h. r. h. in that house.

Did Mrs. C. never pay you more than 10*l.* for all your services? No; once she gave me 5*l.* but never more than 15*l.* altogether during the time she lived with his royal highness.

But before the time she lived with h. r. h.? Yes, then I have been paid very well, but I did not live always with Mrs. Clarke.

You are not Mrs. Farquhar's daughter? No, I positively am not Mrs. Farquhar's daughter.

Are you not Mrs. Farquhar's husband's daughter by a former wife? I cannot answer you that question, but I am not the present Mrs. Farquhar's daughter, I can assure you.

Cannot you answer that question? No, I cannot, indeed.

Why cannot you answer it? Supposing I did not know my mother nor my father; I cannot answer to that; I cannot tell what they did with me when I was young, I cannot answer such a question as that; it is impossible.

How old were you when your father died? I am sure I cannot tell you; I do not know my own age now.

Were you an infant when your father died? I believe I was; I did not know my own father.

Nor your mother? I do not know that I knew my mother.

Which died first? I believe my father died first, as far as I have heard; I cannot say to it.

Did you know your mother? I did not know my mother.

Did your father marry again? I cannot answer to that question; I do not know.

Do you mean to say you do not know whether your father married again? No, I cannot answer that question.

Did you ever hear Mrs. Farquhar say that you were the daughter of her husband by a former wife? No, I never did.

But you will not state that you were not the daughter of Mrs. Farquhar's husband by a former wife? I cannot say any thing about it, but I can say I am not this Mrs. Farquhar's daughter; that I can answer to.

Did you know that Mr. Walmesley was summoned to be a witness at this bar to night? No, I did not know it.

You had not heard so? No, I have not been told so.

Have you not seen it in the paper? Indeed I have not seen the paper to day nor yesterday neither.

Did you happen to know that Mr. Ellis was summoned as a witness? Yes.

How did you know that? I went to beg his pardon; I did not wish to bring him into it at all, because I thought it was quite unnecessary to bring him in.

Did you know that Mr. Ellis was summoned to be a witness at this bar? Yes, I knew that he was summoned to be here.

Do you mean that you did know, or that you did not know? I did know, because, I went to Mr. Ellis last night.

Did you know before you went to him last night? I was told that he was in the paper, and I said I was very sorry that he should be put into the paper on my account.

Who told you so? My Mistress.

Mrs. C. told you so? Yes, I had no motive whatever for disguising Mr. Ellis, but only his family.

Had you told Mrs. C. you had represented Mr. Ellis to be a Carpenter? I told her last night.

Not till last night? Yes.

Are you quite sure you did not tell Mrs. C. before last night? I told her I had so represented Mr. Ellis; she said, Why did you do it? I said I did not wish to bring him forward in the house.

If you had represented him to be a Clergyman, and represented your story truly, how would that have brought him forward? I had no motive whatever for it, but to screen Mr. Ellis.

Do you mean to say, that the wish to screen any person is a sufficient reason with you for representing the fact different than the truth? That was my motive, and no other, to keep Mr. Ellis out of the Paper.

Do you mean to say, that the wish to screen any person is a sufficient reason with you for representing the fact different than the truth? Yes, that was it; I wished to screen Mr. Ellis in every point.

Do you recollect how often Mrs. C. called upon you while you were living with Mr. Ellis? I believe once, and her sister Miss Isabel Farquhar.

Only once? No.

Are you sure of that? Once Miss Taylor called upon me, and Mr. John Clarke's wife; I never had any body but twice there.

Never any body called upon you but these four persons? No, I do not recollect any body else calling upon me.

Did Miss Taylor call upon you alone? No, there was Mr. John Clarke's wife with her.

Was that the Miss Taylor who has been here? Yes.

Did she come upon a visit to you? No, she only called to see me, and to tell me Mrs. C. wanted to see me as soon as possible; I told her I could not come out.

Did you know Miss Taylor before she called upon you? O, yes.

How long have you known her? Nine or ten years; she lived at Bayswater, and they had a house in Ormond-street.

Do you recollect Mrs. Clarke's ever living with a person of the name of Ogilvy? Not to my knowledge, she never did.

Did you know such a person? I have seen him; a lusty gentleman; I have seen him in Tavistock-place, two or three times.

(*By Mr. Bathurst.*)

Had you any character given you when you went to live with Mr. Ellis? Yes, I had.

By whom was that character given? Mrs. Clarke or her sister; I do not know which gave it.

Under what name was that character given? In the name of Farquhar.

(*By Sir T. Turton.*)

Was the person whom you represented as Mr. Ellis, that you lived with as a Carpenter, the person whom you also represented as keeping a Linen-draper's shop at the other end of the town? I never represented such a thing

Did you represent that Mr. Ellis to keep a shop? Yes.

Then is that statement that you made, wholly untrue, and a fabrication of your own?

It is quite untrue that he was a Carpenter, he was a gentleman; but I did not wish, as I have before said, to bring him forward; it was a fabrication of my own doing, on purpose that I would not bring him forward.

Was it a fabrication as to the statement that he kept a shop? He never kept a shop, to my knowledge; he is a gentleman, as I have told you before.

Do you now recollect in what street he lived? I did not know last night, when I went there; I was two or three hours finding the place out; though I had a coach to Cheapside, I could not find it out when the coach put me down; I never was at Mr. Ellis's since I left him till now.

How long in truth did you live with Mr. Ellis? I believe, as near as I can say, two years; I lived with him twice.

During the time you lived with Mr. Ellis, did he change his residence? No, never.

You are quite sure of that? Yes, I am quite sure of that, because I found him where I left him.

Were you sent with the children to Brighton, or to the sea-side, by yourself? No, I went with Mr. and Mrs. Ellis there; I went to Hampstead by myself with the children, when they had the measles, by Mr. and Mrs. Ellis's orders; but I did not mention that before; I never thought of it.

You have said, that your father lived in Scotland; in what part of Scotland? I do not know in what part he lived.

(By General Loftus.)

You have stated, that you did not wish Mr. Ellis to know where you were going to when you went to Mrs. Clarke's; what was your reason for wishing that? I had no motive, only people do not like to have their children taken about; not that I suppose Mr. Ellis had any reason to suppose I should do any thing with his children, or any thing that would hurt them.

(By the Chancellor of the Exchequer.)

Can you recollect where you were married? Yes.

Where? At Woolwich Church.

By the name of Farquhar? Yes, it is three years ago.

Have you any relations in town? I do not know that I have any relations, or any acquaintances; hardly two; I keep no company, I hardly see any one.

[The Witness was directed to withdraw.]

CHARLES GREENWOOD, Esq. was called in; and a copy of a Letter being shewn to him, he was examined as follows:

(By Mr. Huskisson.)

Is that in your hand-writing? Yes, it is.

Do you know what that paper is? Yes, I do.

State to the Committee what it is.—It is a copy of a Letter written to Mrs. Clarke, after the Duke had separated from her.

Written by whom? By the Duke of York.

Did you take this copy from the original Letter so sent? I did.

You perfectly recollect that this is a correct copy of the contents of the letter so sent? I conclude it was, I believe it is a correct copy; I do not recollect comparing it with the original afterwards.

You copied this, in your own hand writing, from the Duke's letter? Yes, I did.

[The Letter was read.]

"You must recollect the occasion which "obliged me, above seven months ago, to em-"ploy my Solicitor in a suit with which I was "then threatened on your account; the result "of those enquiries first gave me reason to "form an unfavourable opinion of your Con-"duct; you cannot therefore accuse me of "rashly or hastily deciding against you: But af-"ter the proofs which have at last been "brought forward to me, and which it is impos-"sible for you to controvert, I owe it to my own "Character and Situation to abide by the re-"solution which I have taken, and from which "it is impossible for me to recede. An in-"terview between us must be a painful task to "both, and can be of no possible advantage "to you; I therefore must decline it."

May 1806.

"Copy of a note supposed to have
been Wn. by the D.——"

(By Lord Folkestone.)

Do you recollect the date of that letter? Indeed I do not.

You have stated that it was after the separation, how long afterwards? Immediately.

Is that docket, at the back of it, your hand-writing? No, it is not.

Was this letter written at the period of the separation, to announce the separation, or subsequent? It was upon the separation, immediately after; I believe, h. r. h. never saw her afterwards.

Had he been in the habit of seeing her up to the time when this letter was written? I really do not know that, I rather think that within three or four days he had seen her.

(By Mr. Charles Adam.)

At whose desire was the copy of that letter taken? At his royal highness's desire.

Has it been in your possession ever since? I have never seen it till to-night, I believe, from the time I took the copy.

Do you know in whose possession it has been? I really do not.

To whom did you give it after having taken a copy of it? I left it with the Duke of York.

[A letter sent by Mrs. C. since she left the house, being shewn to the witness] do you believe that to be the D. of Y.'s hand-writing? I believe it is.

Will you look at the address of that, do you know that hand-writing? No, I do not at all.

[The witness looked at another letter] Whose hand-writing is that? I think this is the same hand-writing as the last.

[Another letter being shewn to the Witness] Do you believe that to be the D. of Y.'s hand-writing? I believe it is.

[Another letter being shewn to the Witness] Do you believe that to be the D. of Y.'s hand-writing? I think that is the same hand-writing.

Do you know gen. Clavering's hand-writing? No, I do not.

[The following Letters were read:]

A letter addressed to Mrs. Clarke, No. 9, Old Burlington-street, dated Friday morning, beginning, "Without being informed to what amount."—A letter addressed to Mrs. C., No. 18, Gloucester-place, Portman-square, beginning "If it could be of the least advantage to either of us."—A letter addressed to Mrs. C., dated Octr. 21st 1806.—A letter addressed to Mrs. C., No. 18, Gloucester-place, Portman-square, beginning, "I enter fully into your sentiments concerning your children."]

"Without being informed to what amount
"you may wish for assistance, it is impossible
"for me to say how far it is in my power to
"be of use to you."
"Friday Morng.
Addressed: "Mrs. Clarke, No. 9, Old
"Burlington street."

"If it could be of the least advantage to
"either of us, I should not hesitate in com-
"plying with your wish to see me; but as a
"Meeting must, I should think, be painful
"to both of us, under the present circumstan-
"ces, I must decline it."
Addressed: "Mrs. Clarke, No 18, Glouces-
"ter-place. Portman-square."

"October 21, 1806."
"It is totally out of my power to be able to
"give you the assistance which you seem to
"expect."
Addressed: "Mrs. Clarke,
"Southampton."

"I enter fully into your sentiments concern-
"ing your children, but cannot undertake what
"I am not sure of performing.—With regard
"to Weybridge, I think that you had better re-
"move your furniture, and then *direct the per-*
"*son who was employed to take the house, to*
"*give it up again.*"
Addressed: "Mrs. Clarke, No. 18, Glou-
"cester-place, Portman-square."

(*By Mr. Charles Adams.*)

(To Mr. Greenwood).—Were you in the frequent habit of copying h. r. h.'s letters? No.

Did h. r. h. give you any particular reason, for wishing you to copy this letter? I think I was with the D. of Y. at the time he wrote that letter, and as he generally copies letters that he does write himself, that I undertook to copy it to save him the trouble.

[The witness withdrew.

CHARLES TAYLOR, Esq. a member of the house, attending in his place, was examined by the Committee, as follows:

Do you believe that to be gen. Clavering's hand-writing? Yes, I do.

Are you acquainted with his hand-writing? Yes, I am.

Did you ever see gen. Clavering write? How could I possibly assert I knew his writing, if I had not.

[The letter was read, dated the 8th Feb. 1808:]

"Limmer's Hotel, Conduit-street,
8th Feb. 6 P. M."
"My dear Mrs. C———; I have just heard
"that you had it in contemplation to sub-
"pœna me before the house of commons:
"the report I hope is unfounded; at all
"events, *I am particularly to* beg, that
"you will take every care that *my name*
"even be in no shape whatever, or *on any*
"*account*, brought before the house of
"commons. As being a family man, the
"world would be inclined to attribute mo-
"tives to our acquaintance, which, tho'
"not existing, all the arguments in the uni-
"verse would not persuade them to the
"contrary. With great regard, truly yrs.,
"H. M. Clavering."
"Mrs. Clarke, "In haste, 6 P. M."
"Westbourn-place, Sloane-street."

THOMAS LOWTEN, Esq. was called in and examined.

(*By Sir Thomas Turton.*)

You are a solicitor? I am an attorney at law and solicitor.

Do you remember being employed by Mr. Adam in the year 1805 to make any inquiries relating to Mrs. Clarke? I do. The first application to me upon that subject was from h. r. h. the D. of Y. in the month of Oct. 1805, in consequence of a letter which had been written to him. I had the honour to see h. r. h., and he communicated to me the business in which he wished me to be employed, and I acted professionally and confidentially for him upon that occasion.

In the course of such inquiries did you receive any and what proofs that Mrs. C. had made use of h. r. h. the D. of Y.'s name to raise money? I cannot say that I did in any inquiries that I made, discover that she had made use of the D. of Y.'s name to raise money. It appeared to me that in consequence of the protection she had from the D. of Y., and the way she lived, many persons were induced to trust her further than I think they would have done, if it had not been for that protection.

In the course of that inquiry did any pecuniary transaction turn out, in which Mrs. C. was concerned, that, in your opinion, injured in any degree the character of h. r. h. the D. of Y.? My inquiries upon that occasion were not directed to the purpose of knowing what transactions she had with respect to money concerns, they were of a nature which regarded Mrs. C.'s husband and her family rather than the mode in which she acquired money.

Do I understand you to say you were not directed by Mr. Adam to investigate the circumstance of any pecuniary transaction in which the use of the D. of Y.'s name had been made? I do not particularly recollect that Mr. Adam ever directed me to inquire particularly as to any transaction in which the D. of Y.'s name was made use of with respect to money; he had communication upon that subject with a gentleman who was more at liberty to go about than I was, which was Mr. Wilkinson.

Do not you recollect Mr. Adam stating to you, that he considered the conduct of Mrs. C. had been very incorrect in pecuniary transactions, in the use of the D. of Y.'s name? I do not recollect it.

Do you recollect stating upon paper the result of your investigation of the inquiries to h. r. h. the D. of Y.? In the beginning of the month of May 1806, having enquired as much evidence as appeared to me to be necessary for the purpose of satisfying the D. of Y. on the subjects on which I was employed, those several matters which did so come to my knowledge were reduced to writing, and I do not know whether through Mr. Adam or some other person. were communicated to h. r. h. the D. of Y.

When you had finished the examination, did you communicate the result of it with the proofs to h. r. h. the D. of Y.? I put them into a train, and they went to h. r. h. I did not deliver them myself; I knew from h. r. h. that he had them.

To whom did you deliver them to be conveyed to h. r. h.? As to the hand, whether I delivered them myself, or any clerk, or any servant, I cannot tell.

Were they conveyed by yourself or any other confidential person? I really do not recollect.

Are you sure that the result, and the documents upon which that result was founded, were communicated to h. r. h.? I have got in my pocket the thing that I communicated to h. r. h.; I communicated all such things as appeared to me to be necessary and proper.

Are you sure that the result, and the documents upon which that result was founded, were communicated to h. r. h.? I believe they were.

Do you recollect, that with those papers there were any documents to prove, that any money was raised in the D. of Y.'s name, by Mrs. C.? I think there were not, but the paper will speak for itself.

Do you know the reverend William Williams? I know very little of him; I remember him some years ago being about the Court of King's Bench, and very troublesome to Mr. William Jones the Marshal.

Have you seen nothing of him lately? I never saw him till that night he was before this house, for 7 or 8 years.

You did not see the rev. W. Williams lately, before he was examined at this house? I saw him about 7 o'clock that evening.

Was that previous to his examination before the Committee? It was.

Was no application made to you by Mr. Williams, or by you to Mr. Williams, before that? I had no application from Mr. Williams nor did I make any to Mr. Williams, nor did I see Mr. Williams, except about three minutes in the lobby about seven o'clock, before he was examined.

Had you any reason for thinking Mr. Williams insane? I was induced to think very indifferently of him, as to his character and sanity, 7 or 8 years ago, on his calling upon me; I wrote to my friend Mr. Jones the Marshal, and in answer I received a letter from him saying, have nothing to do with Mr. Williams, for he is mad.

(*By Lord Milton.*)

Do you recollect sending any person to Mr. Nicholls at Hampstead, some days ago? I do.

Who was that person? It was Mr. Thomas Wright, who lives upon Haverstock hill, near Hampstead.

What was the object of sending Mr. Wright to Mr. Nicholls upon that occasion? I sent Mr. Wright to find out where Mr. Nicholls lived, as I was told he had removed from Hampstead to a farm, and Mr. Wright being a resident at Hampstead, I thought him most likely to find out where it was he lived.

Why did you wish to find out where he lived? I had received intimation by a letter, that Mr. Nicholls could give material evidence as to the matter of inquiry before this honourable house.

What description of evidence? It was respecting Mrs. Clarke and Mr. Dowler living at his house in 1807 and 1808.

Did you wish to inquire after any letters that were supposed to be in the possession of Mr. Nicholls? I did not wish to inquire, for I knew nothing of any letters that were in his possession till he came to be examined before this honourable house.

(*By Mr. Alderman Combe.*)

In the representation you made, of the result of the inquiries into the conduct of Mrs. C., was any part of it that she had raised money under the real or fictitious patronage of military promotion? It did not occur to me in my enquiry, that any such transaction had taken place; it was not part of my enquiry; I never believed one word upon that subject.

(*By Mr. Bankes.*)

Have you had any interview with gen. Clavering during the course of this enquiry? On the day that gen. Clavering was first examined, he called upon me in the Temple.

Did he call upon you previous to his examination? He did.

What passed in that conversation? I will state as nearly as I can; Gen. Clavering when he came to me said, that he had seen the statement made by Mrs. C. in which his name had been mentioned; that he could contradict that statement very materially; he gave me his account of the contradiction, of which I made a memorandum in writing; after that, to my surprize, when I came down here, gen. Clavering came to where I was at Alice's Coffee-house with a letter ready written, addressed to his majesty's Attorney General, in which he made use of my name I thought improperly; and I desired that my name might not be introduced; but that if he had any thing to communicate to the Attorney General he would write it in his own name.

Did you advise gen. Clavering to write a letter to the Attorney General or any other member of this house? I did not advise him in any other way than I have just now stated.

What advice did you give to gen. Glavering? Not to make use of my name in any letter he might write to the Attorney General.

That is negative advice; what positive advice did you give him? I did not give him any advice to offer himself to be examined; but that if he could give any contradiction to Mrs. C.'s evidence, I thought it would be material he should be examined.

Did you advise him to offer himself to be examined, if his evidence could materially contradict Mrs. C.'s? I did not advise him to offer himself voluntarily to be examined.

Did you give him any advice, as the result of your conversation with him? I really thought gen. Clavering competent to advise himself upon the subject; I did not give him any advice further than common conversation, to say if you will be examined send in your letter; I was not consulted by him by way of advice.

What was the occasion of his coming to communicate with you? I really do not know; he said when he came in, that he had a statement to make that would contradict Mrs C.'s statement; and I think he said that he had seen col. Gordon, and that he had desired him to call upon me.

Did you understand that he came to you, in consequence of the desire of col. Gordon? I believe partly from the desire of col. Gordon, and partly from a wish of his own to contradict the statement made by Mrs. C.; so I understood it.

Did he ask you what would be the best course for him to pursue, after his conversation with you? He did not.

Did he say that he should write any letter to the Attorney General, or any other member of parliament? He did not.

At the time he left you, did you suppose he was about to offer himself as a voluntary witness before this committee? When he left me in the Temple I did not suppose or expect any such a thing; when he quitted me at Alice's Coffee-house I did expect it.

Did you put any questions to him, to know what any evidence he could communicate to this Committee might be? I did; I asked gen. Clavering several questions as to his knowledge of Mrs. C.; how long he had known her, where he had seen her, where he had seen her last, and other questions, which occurred to me as proper for the investigation of the business in which I was engaged.

Did you ask him any question, whether he had offered Mrs. C. any money for promotion, or for raising a regiment, to be procured through her influence with the D. of Y.? I did not; I should have thought it most impertinent, as I could not conceive a general officer could be guilty of any such conduct.

Did he communicate any such information to you? Certainly not.

Did you question him generally with regard to his communication and intercourse and acquaintance with Mrs. C.? I did; and it appeared to me, from the paper which be produced, that Mrs. C. was making use of him for the purpose of getting some person promoted from one regiment to another; and it appeared that a letter, dated in the Temple, and apparently signed by a Mr. Sumner, contained a recommendation of that person so wished to be promoted, and who, he stated to me, Mrs. C. had represented as a relation of an hon. member of this house, and which letter he was to transmit to the D. of Y., in order to obtain that promotion.

Did you ask him, whether he had maintained any correspondence with Mrs. C. upon the subjects of military promotion, or matters connected therewith? I did not; and I knew of no other instance than the one I have just mentioned.

Did he give you to understand, that he had communicated to you fully all that passed between him and Mrs. Clarke upon the subject of military promotions, or matters connected therewith? He did not say any thing to me upon that question, further than I have stated to the Committee.

Did he inform you that he had shewn a letter, addressed to the Attorney General, to any other person before he shewed it to you? I do not recollect that he did; there were two other persons present when he shewed it to me.

Are you sure that you advised him to omit your name out of that letter? I am.

Are you sure that he omitted it in consequence of your representation to him? He destroyed the first letter, and he wrote another, and read it to me, without my name being inserted in it.

Did you make any observations upon the second letter? I cannot say that I did, I do not recollect that I did.

(*By Mr. Whitbread.*)

In the conversation that you have stated to have passed between gen. Clavering and you, did the words "If you will be examined, you had better send a letter;" pass at Alice's Coffee-house, or in the previous interview with gen. Clavering? I said, if you will be examined, you had better send a letter; that was at Alice's Coffee-house.

Did you advise gen. Clavering to call upon Mr. Ogilvie, or any other persons, touching this inquiry respecting Mrs. C.? Gen. Clavering mentioned the name of Mr. Ogilvie to me, as being the person who first introduced him to Mrs. C., and said he could get this information from Mr. Ogilvie; and it is possible I might say, then you had better see Mr. Ogilvie.

Did gen. Clavering give you any account afterwards of having seen Mr. Ogilvie? I think he did, but I will not be positive; I do not recollect any thing that he said.

You have mentioned, that before Mr. Nicholls came to the house of commons to be examined, you were not aware that he was in possession of any letters; did you see those letters before Mr. Nicholls came to the bar of the house with them? I did see four bundles of letters in the possession of Mr. Nicholls.

Did you examine those bundles? I believe I turned over many of the letters, but I did not read any one of them.

Were they examined in the presence of Mr. Nicholls or any other person? The examination that I had was in the presence of Mr. Nicholls, and did not last five minutes; other persons were present; Mr. Nicholls's wife was present? I returned all the letters as I received them from him.

(By Mr. Robinson.)

Did you know of any sums of money paid by h. r. h. to Mrs. C., during her residence in Gloucester-place? I did not.

Have you with you the paper, on which you wrote the result of your conversation with gen. Clavering? I have not.

Have you in your recollection the contents of that paper, so as to enable you to state it to the house? I believe that paper, which was the rough copy of a paper which I wrote in the Temple, was sent into the house with his letter.

(By Mr. Beresford.)

Did you recommend gen. Clavering to send in that examination; was it inclosed in the letter, or how was it sent? It was given, I believe, to gen. Clavering open, without being inclosed in any letter.

Was it in your hand-writing or gen. Clavering's? In mine.

Was it inclosed in the same cover as gen. Clavering's letter? Certainly not.

What do you mean by saying that it was sent in with the letter? I believe I gave it to gen. Clavering in the Coffee-house.

Who were present when you turned over those letters of Mr. Nicholls's? Mr. Nicholls, Mrs. Nicholls and Mr. Wright.

Nobody else? Nobody else.

[The witness was directed to withdraw.

Mr. *Beresford* stated his wish to procure the fullest information on this subject, in order to trace the conduct of that officer *ab initio.*

General *Matthew* vindicated the character of gen. Clavering from any improper insinuations. He did hope, that a long and honourable life in the service of his country, would not be aspersed without the fullest proof of what he conceived could not be substantiated.

[The Witness was again called in.]

(By Mr. Robinson.)

Have you any and what reason to believe that Mrs. C. ever raised any money on the credit of the D. of Y.? I do not know that Mrs. C. ever raised any money on the credit of the D. of Y.; that she might get a great deal of credit with tradesmen for goods supplied to her in consequence of living in the way in which she did.

In consequence of the inquiries which you made, did you find that Mrs. C. had ever raised any money upon the credit of the D. of Y.? I cannot say expressly that ever I did find it in any other way than I have before stated, that she got into debt to various tradesmen to a considerable amount, who were induced to trust her in consequence of her connection with the Duke of York.

(By Mr. Adam.)

Look at the subpœna inclosed in the letter which you have; what is the name of the cause in which that subpœna was? Turner against Mary Ann Clarke.

Do you know from your situation as clerk of Nisi Prius in Middlesex, whether that cause was entered for trial in Middlesex? I recollect perfectly that it was entered for trial, and it stood for trial. I believe, upon the 12th of May 1806; just before the cause was to be tried it was withdrawn.

State how you received that letter with the subpœna inclosed? I cannot positively recollect: I rather believe Mr. Adam communicated it to me; or what other gentleman who had communication with the D. of Y. did so, I really do not know.

Look at the signature of that letter, and merely read the name at the bottom of it? The name appearing at the bottom of this letter is Henry Turner.

Are you acquainted with him? Just as I am acquainted with many other persons in town; I do not know that ever I spoke to him in my life.

Do you know what he is? I believe a Pawnbroker, in Princes'-street, Leicester-fields.

Do you know the hand-writing? I do not.

How do you know that it is his hand-writing?

I believe it to be the hand-writing of Henry Turner, who I know was living in John-street, Golden-square.

Do you know that Mr. Henry Turner, who lives near Golden-square, is the Mr. Henry Turner who signed that letter? I do not.

(By Mr. Whitbread.)

During the connection between the D. of Y. and Mrs. C., did you ever know that Mrs. C. raised money upon the credit of the D. of Y.'s name? I do not.

[The Witness was directed to withdraw.]

JOHN WILKINSON, Esq. was called in, and examined.

(By Sir T. Turton.)

In what capacity do you live with Mr. Lowten? I do not live with Mr. Lowten.

In what capacity are you ever employed by Mr. Lowten? I am very frequently employed by Mr. Lowten in the transaction of various businesses that arise in his office.

Do you recollect being employed by Mr. Lowten in the year 1805, to make any inquiries relating to Mrs. C.? I was.

In the course of such inquiries, have you any proof that you can give to this house, of any money transactions in which Mrs. C. made use of the D. of Y.'s name? I really do not know what this house would consider as proof; it came to my knowledge in the month of May, that the D. of Y. had received notice that he was to be subpœnaed in an action brought against Mrs. C. for money due to a man of the name of Turner: Mr. Turner's attorney, Mr. Batchelor, called upon me, and informed he was going to serve the D. of Y. with a subpœna, and read me a letter, which he said he had advised his client to send with the subpœna; but I had no proof that the money was due from Mrs. C.

Do you know of any instance in Mrs. C. made use of the D. of Y.'s name to raise money? I do not of my own knowledge.

[The witness was directed to withdraw.

Miss MARY ANN TAYLOR was called in, and examined.

(By Sir Thomas Turton.)

In your former examination, have you not said that you were very intimate with Mrs. C., and frequently visited at Gloucester-place? Yes.

When the D. of Y. was present at those visits, was there any body in company besides, at any time, that you can recollect? None except the servants ever.

Upon those occasions, did the conversation in your presence appear free and unrestrained? Yes, quite so.

Do you recollect, at any time, when you were present, any conversation taking place between Mrs. C. and h. r. h. the D. of Y. relative to military promotions? Nothing except that time about col. French.

Recollect, whether at that conversation relative to col. French, you are perfectly sure there was nobody present but Mrs. C. yourself, and h. r. h. the D. of Y.? Yes, I am very certain of it.

Are you sure that the words that were used by Mrs. C., on the occasion of the D. of Y.'s referring to her upon the conduct of col. French towards her, were, that his behaviour was middling, but not very well? Yes.

You are sure those were the words? Those were the words.

Did you at any time afterwards have any conversation with Mrs. C., relative to the observation of the D. of Y. upon col. French's business? Not till within these three weeks or a month.

What was the conversation you had at that time? She asked me, if I recollected the D. of Y. mentioning col. French's name in my presence.

Did any thing else pass upon that occasion? I immediately recollected the circumstance, and told her.

Did Mrs. C. make any reply to that observation, and what? I do not recollect what she said.

Do you at all recollect any further conversation that passed at the time, when the D. of Y. made that observation relative to col. French's levy, besides what you have already given in evidence? No, nothing at all upon that subject.

Do you recollect at any time, Mrs. C.'s stating in your presence to the D. of Y., any wish in favour of any application for military promotion? Never.

Do you recollect at any time Mrs. C. applying to the D. of Y. in your presence for money? No.

Did any conversation at any time take place in your hearing between h. r. h. the D. of Y. and Mrs. C., with respect to the pecuniary difficulties under which she laboured? No, never.

Do you recollect that Mrs. C. ever stated to h. r. h. the D. of Y., that col. French had broken any pecuniary promise he had made her? No, I do not recollect it.

Do you now know Mrs. Hovenden? What is meant by now?

How long is it since you have ceased being acquainted with Mrs. Hovenden? More than two years.

Can you assign any reason for not being acquainted with Mrs. Hovenden at present? I did not return the last visit she made me, I suppose that is the reason.

Can you inform the Committee where Mrs. Hovenden lived at that time? In South Moulton-street, I think, Oxford-street.

Do you recollect at what number? No, I cannot recollect the number.

Do you recollect how long she lived in South Moulton-street? I never knew.

How long had you known her before she lived in South Moulton-street? She was there when first I saw her.

How long was your acquaintance with her? Not above seven or eight months.

Is Mrs. Hovenden a widow or a married woman? She was a married woman, she is now a widow.

Do you know where she lives now? No, not at all.

(By the Solicitor General.)

I think you said that till three weeks ago, you had not mentioned the expression respecting col. French since it passed; do you mean to state that? No, I do not think I ever did mention it.

Then it was to Mrs. C? Yes, it was.

How long ago is it since you heard the expression respecting col. French? I do not say it was during Mrs. C.'s residence in Gloucester-place.

About how long? I cannot say.

Was it a year, or two years ago? More than two years ago.

Was it four years ago? No, I do not think that it was quite so much, though I cannot say.

Was it the winter or the summer? That I cannot recollect.

Cannot you recollect at all what part of the year it was in? No.

Nor what year it was in? No.

You have totally forgotten how long ago it was, or what part of the year it was in? Yes, I have quite forgotten it.

Were there any circumstance at the time passing which induced you to take particular notice, or to bear in your recollection the expression? The chief circumstance was, that I never saw col. French, though I had heard his name, which made me curious when I heard his name, respecting him.

No other circumstance but the one you have mentioned? No other.

After an interval of four years, you recollect a particular expression, without any intervening circumstance ever having happened to call it to your remembrance? O, yes, I have thought of it since, though I have not mentioned it.

You had never mentioned it to any body before you mentioned it to Mrs. C., three weeks ago? I believe not.

What brought it into your thoughts so now and then? The curiosity that I mentioned before, respecting a man that I was not allowed to see.

Can you recollect what passed with Mrs. C. three weeks ago upon the occasion of this conversation respecting col. French? No, nothing.

Not one expression or circumstance that passed three weeks ago with Mrs. C.? No, I do not recollect any.

Is your memory so defective as to have forgotten all that passed in the conversation three weeks ago with Mrs. C.? That is very possible, for it did not interest me at all.

Where was it that Mrs. C. brought to your recollection, or enquired about col. French? At her house in Westbourne-place.

Was it at that time proposed to bring the subject forward in an inquiry? I do not know about that.

Was any body present when this passed between Mrs. C. and you? I believe not.

Have you forgotten that too? Yes.

Cannot you now recollect any one fact or circumstance that passed three weeks ago with Mrs. C., or even who was present? I do not think any body was present, and I do not recollect any fact or circumstance.

How came Mrs. C. to be making any inquiry about this? I did not ask her that.

Do you mean to state you do not know upon what occasion the conversation between Mrs. C. and yourself arose.—I suppose something relating to this business; I did not think of it at the time.

Did not Mrs. C. inform you at the time why she was making this inquiry? I do not recollect that she did.

Will you positively say that she did not? No, I will not, because I am not sure.

Had any body been in your presence with Mrs. C. prior to the inquiry, asking questions upon the same subject? No, I believe not.

Cannot you remember that? I cannot remember it, if it was the case.

Cannot you remember, whether three weeks ago any body had, in your presence, when enquiring of Mrs. C. on the subject of military promotions by the D. of Y., or any thing which is now the subject of inquiry.—They did not inquire in my presence.

When you were here before you stated that your father and mother were living, and of the name of Taylor? Yes, I did.

Is that true? Yes.

Does not your father go by the name of Chance? He never told me that he did.

[The witness was directed to withdraw.

Mr. *W. Smith* objected to this course of examination: whether she knew or not, that her father went by the name of Chance, was, he contended, of little consequence. He protested against any attempts to endeavour to draw the witness into contradictions.

The *Solicitor General* agreed that it was not very material to the inquiry before the Committee; but would it not go to affect the credit of the witness, if it appeared her father never went by the name of Taylor, but always by the name of Chance?

Mr. *Whitbread* said it was competent for the learned gentleman to call evidence to contradict the witness, but he would maintain that any temporary change in her father's name, arising from embarrassment or other circumstances, could not affect the witness's credit. The questions pressed upon her on this and her former examination appeared to be very severe.

After some further discussion between

the Chancellor of the Exchequer, Mr. W. Smith, Mr. Whitbread, and Mr. Bathurst,

[The Witness was again called in, and examined.

(By the Solicitor General.)

Did your father ever go by the name of Chance? He never told me that he did.

Do you mean to state that you never heard any body call him by the name of Chance? No, I do not think that I ever did.

Have you a doubt about it? None, I believe.

Then do you mean to state that he has always passed by the name of Taylor? To the best of my knowledge.

Recollect yourself, whether you mean to persevere in that, that throughout the whole time you have known your father, you never knew him called by any other name than the name of Taylor? Never, throughout the whole time I have known him.

Do I understand you to say, that during all the time you have known him, you never yourself, or in your presence, heard any body call him by the name of Chance? No, never.

Do you know Mrs. Favery? As far as she was a servant of Mrs. Clarke.

How long have you known her? Nearly as long as I have known Mrs. Clarke.

How long is that? Some 8 or 9 years, I suppose.

Did Mrs. Favery, all the time you have known her, go by the name of Favery, or by any other and what name? When first I knew Mrs. C., she went by the name of Martha, but I did not know her surname.

Do you mean, that Mrs. Favery went by the name of Martha? Yes.

Did you never hear Mrs. Favery go by any other name than that of Favery or Martha? I do not recollect that I did.

Did you visit Mrs. Favery when she lived with Mr. Ellis? I called upon her once, not as a visitor.

Whom did you inquire for at Mr. Ellis's? It was Mrs. C.'s sister went with me; I was not the inquirer.

Did not you hear Mrs. C.'s sister inquire for her as Mrs. Favery, or by some other name? I believe Mrs. Favery opened the door.

How long were you together? I cannot say.

By what name did you or your companion address that woman? By the name of Martha.

And no other name? No other name.

Do you mean to state (recollect yourself before you answer that question) that that person never went by the name of Farquhar? Never, to my knowledge.

You have known her nine years? Yes, about that time.

And in no part of that time did she ever go by the name of Farquhar? I never heard her called by that name.

Were you well acquainted with her while she lived with Mr. Ellis? Yes, she had lived with Mrs. Clarke previous to that.

You had known her when she lived with Mrs. C., previous to her living with Mr. Ellis? Yes.

Do not you remember, that when she went to live with Mr. Ellis, she took the name of Farquhar? I never heard that circumstance.

Do you mean to say, that she continued to go by the name either of Martha or Favery, after she quitted Mrs. C., and went to live with Mr. Ellis? I never knew her by any other name.

Do you remember Mrs. Favery being married? There was some talk of it in the house, but it was scarcely believed.

Did you know any of the relations of Mrs. Favery? Not one.

You never saw her husband, or the person to whom there was a talk of her being married? No, never.

You never saw a person of the name of Walmesley? No, I never saw him.

Do you recollect your father's father? No, he was dead many years before I was born.

What was his name? I do not know what his name was; I never talked to any body about him.

(By Mr. Cavendish Bradshaw.)

Might not your father, from distress, to avoid his creditors, have taken the name of Chance, or any other name, without your knowledge? Then how should I know it.

Have you had a niece of Mrs. Hovenden's under your care at any time? Yes, more than two years ago; she staid with me only a few weeks on a visit.

(By the Chancellor of the Exchequer.)

Is your father now alive? Yes, he is.

Do you know whether your mother has been in custody for debt, within a short time? I cannot answer that.

Do not you know that your mother has been in execution for debt? [Here the right hon. gent. expressed his regret that he should be thus compelled to hurt her feelings. Miss Taylor burst into tears.] My mother has nothing to do with the present subject.

[The Chairman informed the Witness she must answer the question.]

Do not you know that your mother has been in execution for debt? I must appeal to the indulgence of the Chairman; I cannot answer it.

[The Chairman informed the Witness that, in his opinion, she must answer the question.]

Do you know that your mother has been in custody for debt? Yes.

How long? Miss Taylor replied in tears, Nearly two years.

[The Witness was directed to withdraw.

The *Chancellor of the Exchequer* explained why he asked the question. He thought at her first examination that there was something in her answers respecting her father and mother, which made him suppose that she was not the respectable person she was represented. It now appeared that her father and mother were not married.

Mr. *W. Smith* put it to the house how far the credit of the witness was to be affected by this circumstance. She felt on the occasion as any one might feel. It was natural that she should feel a reluctance to disparage herself by acknowledging that she was illegitimate.

Mr. *Whitbread* concurred with the right hon. gent. that the questions were as painful to him to put as they were to the witness to receive; but it appeared to him that he had rather overstated what she had said on a former examination. She did state that Taylor was her father's name, but not that it was her mother's. It was by her credibility, and not by her respectability, that they were to determine how far they should believe her.

Mr. *Barham* regretted that these last questions were put. They had cast a doubt upon the character of the witness, which was enough to extinguish her means of subsistence.

Mr. DEDERICK SMITH was called in, and examined.

(By General Loftus.)

What are you? A brazier and tinman.

Do you know Miss Mary Ann Taylor, of Cheyne-row, Chelsea? Yes.

How long have you known her? I cannot exactly say, but I think about 15 years; I am not certain exactly to the time.

Do you know her mother? Yes, I do.

How long may you have known her mother? About the same time.

Do you know her father? Yes, I do.

Do you know what his name is? His name is Thomas Chance.

Do you know his profession? His profession was formerly a stock broker, but he failed, I believe.

Did he ever do any business for you in that profession? Yes, he has.

Did you ever make a purchase of land of him? Yes, I did.

In what name did he convey it? In the name of Chance.

Did he ever tell you that he had a wife? His wife was Mrs. Taylor, she passed as his wife.

Did he ever tell you that he had another wife? No, he never told me so.

Did you ever apply for him at the Stock Exchange under the name of Taylor? Yes, I have.

Could you find him by that name? No.

Under what name did you find him? The name of Thomas Chance.

How long has he ceased to be a broker? To the best of my knowledge, two years; but I will not be certain.

Did he do business publicly at the Stock Exchange every day as Thomas Chance? Yes, he did.

Was he known by any other name than that of Chance? He was not.

Did you ever see him with his daughter Mary Ann Taylor? Yes, I have.

Did he go by the name of Chance at that time? No, he went by the name of Taylor.

(By Mr. W. Smith.)

What was your reason for inquiring for him by the name of Taylor, at the Stock Exchange? Because at that time I did not know but what his name was Taylor.

How come you to apprehend that the name of a man was Taylor, whom you knew by the name of Chance? I found out then that his name was Chance; before I always thought his name was Taylor; I found it out when I began to deal with him, and not before.

At what time did you find out that the name of this person was Chance? I cannot exactly say the time, but it was that time when I wanted him to do business for me at the Stock Exchange.

By what name did the person of whom you are speaking, go, when you were first acquainted with him? He went by the name of Thomas Taylor.

How long ago was that? O, that is a good many years ago, ever since I knew him.

How long did he continue to go by that name, to the best of your knowledge and belief? He has gone by that name till I found out that his name was Chance, when he began to do business for me at the Stock Exchange.

About how long ago may that be, that you apprehended that the true name of this party was Chance? My memory will not furnish me with that, but it is several years ago, that is all I can say; I could find it out by papers, but my memory is very bad, and therefore I cannot go any further.

In what neighbourhood did the party of whom you speak, live, when you knew him by the name of Taylor? He lived in Norman-street, and he lived at Bayswater, and all that time I knew him but by no other name than that of Thomas Taylor; nor my family, never any of them knew him by any other name.

To the best of your knowledge and belief, was the party universally known in all that neighbourhood, by the name of Taylor, and no other name? Yes, he was.

(By General Loftus.)

Do you recollect Mrs. Taylor and Miss Mary Ann Taylor calling at your house one day with a bill, or an instrument of that kind, to get cash for it? They called at my house, and Mrs. Taylor wanted to borrow some money of me; she said she had a paper to give me as a security, which she would not trust with any body else.

Did you state to them, that Mr. Chance was coming to your house on that day? I did.

Did they then know him to be the person that you knew as Mr. Taylor? Yes.

Did Mary Ann Taylor make any observation, upon your stating that Mr. Chance was coming? She laughed, and said to the mother, we will say we only paid Mr. Smith a morning visit.

What did Mrs. and Miss Taylor or either of them, say or do in consequence of your telling them Mr. Chance would be there that morning? Miss Taylor said to the mother, We will tell my father, I think, I will not be positive, if he comes, that we only paid Mr. Smith a morning visit; they stopped a bit, and then they went away.

(By Sir John Sebright.)

Are you quite sure, that when you told Mrs. Taylor and her daughter, this person was coming, you made use of the name Chance; are you quite sure you did not say, Mr. Taylor is come? I am not quite sure; I think I said Mr. Taylor by way of a compliment.

(By the Chancellor of the Exchequer.)

Have you any means of knowing that Miss Mary Ann Taylor knew her father by the name of Chance: and if you have, what are those means? I have no means of knowing that she did.

[The Witness was directed to withdraw.

General the Honourable CHAPPLE NORTON attending in his place, was examined.

(By Mr. Yorke.)

Do you recollect the state in which the army was, when h. r. h. took the command of it, in regard particularly, to the mode in which the promotions and commissions of the army were carried on? I believe in former days, those officers who had great weight of interest, might have got promoted very rapidly, much sooner perhaps than was right or proper; h. r. h. made, in my opinion, very salutary regulations to prevent that. I could, if it was not trespassing too much upon the time of the Committee, speak very fully to what I believe, and what has come to my knowledge, to have been the conduct of the Commander in Chief since he has been at the head of the army.

State any particular circumstances that are within your own knowledge with reference to this particular part of the subject.—Perhaps of all others this is a subject I am least able to speak to; but the conduct of h. r. h. with respect to the army in general, I can speak to at large, That he has done more service to the army than all his predecessors the Commanders in Chief; and I will state in what manner; in the first place, and what is very material, I recollect very well that h. r. h., I believe was the instrument and the means, through the medium of this house, of giving bread to the soldier when he had little or nothing to eat; and I will exemplify that, by a conversation I had with a lieutenant colonel of one of the best regiments in his majesty's service, the late lord Cornwallis's, col. York, I was very sensible of the very scanty pittance the soldier had to subsist on in this country, and I endeavoured to do what I could to assist in the measure; and col. York supplied me with a very strong instance, which was when the 33d regiment was about to return home from a foreign station. According to the articles of war the commanding officer of each regiment so returning is to make known to his men, that any soldier who wishes to remain behind upon that station is at liberty so to do; the men of the 33d regiment informed col. York that it was their intention all to remain behind, and to continue abroad, because where they were they had sufficient to eat, and if they came to this country they should not have a dinner. His r. h. first got an allowance of bread to the soldiers, and afterwards of beer, and then their pay increased, and upon which the soldiers are very comfortable. If it was not wearying the time of the Committee, I could mention another very singular instance. After the American war, I recollect a soldier in my own company (I was in the Coldstream Regiment of Guards) that came home, and had been very severely wounded; he was discharged from the regiment, the regiment had nothing further then to do with him; he was recommended to Chelsea, but Chelsea had no means of taking care of him; and the man would have been left to perish, if it had not been for the quarter-master of the Coldstream, who went to the officers at Chelsea, and the officers at Chelsea did get the man taken care of. Since that (I take for granted h. r. h. was very much the means of doing it) the York hospital was instituted; so that the men have not been left in that distressed situation since the American war.

In your opinion, have the condition and discipline of the army upon the whole declined or improved since h. r. h. took the command? I am one of those, unfortunately, who think there was a very good system in the army, with regard to discipline, before h. r. h. came to the head of it.

Referring to the time when h. r. h. took the command of the army, and the latter part of lord Amherst's time, has the state of the army improved since h. r. h. took the command? There was a very good system, then, or else our regiments would not have gained those advantages which they did; and I really do not know that it is better now than it was then, if I am to speak my opinion.

The Right Hon. General FITZPATRICK, attending in his place, was examined.

(By Mr. Yorke.)

Do you recollect the state in which the Army was, when h. r. h. took the command of it, in regard, particularly, to the mode in which the promotions and commissions in the army were carried on? I am persuaded that there is no officer of long standing in the service can recollect the state of the army previous to h. r. h.'s taking the command, who will not be ready to testify the very great improvement which the army has derived, in every respect, from h. r. h.'s management of it; I do not presume to give this opinion on my own experience merely, having no pretensions myself but that of long standing in the army; I consider myself as a competent judge of the question, I really believe the notoriety of this fact to every officer who has any knowledge or experience upon the subject, is such, as in my humble opinion, to have made any such reference to general officers wholly unnecessary; and all I have to say upon this subject is, that there is no officer in the army who will contradict the fact.

The Right Honourable the SECRETARY AT WAR, (Sir James Pulteney); attending in his place, was examined.

(By Mr. Yorke.)

Do you recollect the state in which the army was, when h. r. h. took the command of it, in regard, particularly, to the mode in which the promotions and commissions in the army were carried on? I can only say that I concur entirely in every syllable which was delivered by my right hon. friend over against me (general Fitzpatrick); with regard to the manner in which promotions were carried on before the present Commander in Chief assumed the command of the army, particularly in the period immediately preceding his appointment, there was certainly great abuse, and such as, if continued, must have proved highly detrimental to the service. It is notorious that rank in commissions and rank in the army, were got intirely by money, or what was the same thing, by raising a certain number of men, indeed more generally by paying for it; there were many instances of officers who attained their rank of major, I believe of lieutenant-colonel, in the space of one or two years. H. r. h., soon after he assumed the command, established a regulation, in consequence of which no officer could attain the rank of captain, before he had served two years, nor that of field officer before he had served six, and I believe that those regulations have been rigidly adhered to, and have been of infinite service to the army.

State whether in your opinion, upon the whole, the condition and discipline of the army have declined or improved during the time his r. h. has been Commander in Chief? In expressing my concurrence with what had fallen from my right hon. friend, I have answered that question. I certainly conceive that the condition of the army is very considerably improved, and I am certain that its discipline particularly (meaning the discipline in the field,) has improved to a very great degree. I recollect when it was a matter of difficulty to place five or six regiments upon the ground, so I mean, as to be enabled to act against an enemy; that operation is now performed with as much facility as that of placing a company; when those five or six regiments were so placed, it was a matter of great difficulty to make them move in an uniform line, that is now done with the utmost precision and facility; I therefore conceive, without going further, that the discipline of the army, and their power of action, have very considerably improved by the uniform system which has been produced under the auspices of the present Commander in Chief, and that to that great part of our military glory is owing.

The Right Hon. Sir ARTHUR WELLESLEY, k. b. attending in his place, was examined.

(By Mr. Yorke.)

Do you recollect the state in which the army was, when h. r. h. took the command of it, in regard, particularly, to the mode in which the promotions and commissions in the army were carried on? With respect to the manner of conducting promotions in the army, I cannot say that I knew much about it before the present Commander in Chief was appointed; I rather believe, however, from all I have heard, that it was very irregularly conducted; that a regulation which existed at that time, that no officer should be made a captain till he had served two years, was frequently broken through, and that much injustice was done to many old officers in the army; I know that since h. r. h. has had the command of the army, the regulations framed by him for managing the promotion of the army have been strictly adhered to, and that the mode in which the promotion is conducted has given general satisfaction. I must also state that, besides my knowledge as a general officer of the army, of the mode in which the promotions of the army are conducted, I have some knowledge of it from my official situation; and having had frequently to apply to h. r. h. for promotion for different officers, in consequence of applications which have been made to me, I have never found, in any one instance, that h. r. h. has departed from the regulations laid down for the promotion of the army, or that he has done injustice to any individual. I must also state, that in applying to h. r. h., which I frequently do for ensigncies, I have found h. r. h. invariably ready to attend to my applications, and I also know that many persons have got commissions from h. r. h., by applying direct to him, without coming through me. In respect of the state of the army, I can say from my own knowledge, as having been a lieutenant colonel in the army when h. r. h. was appointed to command it, and having a very intimate knowledge of it since, that it is materially improved in every respect; that the discipline of the soldiers is improved; that owing to the establishments formed under the directions of h. r. h. the officers are improved in knowledge; that the staff of the army is much better than it was, and much more complete than it was; that the cavalry is improved; that the officers of the cavalry are better than they were; that the army is more complete in officers; that the system of subordination among the officers of the army is better than it was, and that the whole system of the management of the cloathing of the army, the interior economy of the regiments, and every thing that relates to the military discipline of the soldiers, and the military efficiency of the army, has been greatly improved since h. r. h. was appointed Commander in Chief.

Do you consider the improvement you have specified, to be owing to the personal superintendance and personal exertions of h. r. h. the Commander in Chief? The improvements to which I have adverted, have been owing to the regulations of h. r. h., and to his personal superintendence and his personal exertions over the general officers and others who were to see those regulations carried into execution.

General GROSVENOR, attending in his place, made the following Statement:

I wish to state my humble testimony of the high sense I entertain of the advantages the army has derived from the zeal, attention, and care, of h. r. h. the Commander in Chief.

The *Chancellor of the Exchequer*, previous to the Chairman's quitting his seat, suggested, that as the Evidence was now closed, and there would be no occasion to ask leave to sit again, a day might be fixed for taking the subject into consideration. For the sake of having the first convenient day fixed, he had inquired into the state of forwardness in which the printing of the Minutes stood, and the result was that it would be in vain to expect them to be delivered entire before Monday. As, however, great part of them were already in the hands of members, who would naturally be giving them a gradual perusal, he was inclined to think, on the idea of their being completed on Monday, that a period of two days might be allowed to interpose, and the Report be taken into consideration on Thursday. If, however, gentlemen thought that too early a day, he had no objection to Friday.

Mr. *Wilberforce* was anxious that on so important a subject, and one which had gone to so great a length, the House should not be precluded from such further light as they might be able to procure in the way of observation, elucidation, or contradiction. It would also be desirous that some farther time for consideration should be granted, probably till the following Monday, or even till this day fortnight.

Mr. *Whitbread* could not agree to the suggestion of the hon. member; he thought that no unnecessary delay should take place, but still he submitted that the fixing of the day would more properly belong to his hon. friend (Mr. Wardle) than to the right hon. gent. opposite.

The *Chancellor of the Exchequer* declared that he had no wish to take the nomination of the day out of the hands of the hon. member. Friday, or any other day that hon. gent. chose, would be equally agreeable to him with the day he himself had suggested.

Mr. *Wardle* said, Thursday or Friday were equally agreeable to him.

Mr. *Wharton* then left the Chair; the house resumed, and the Report was brought up, ordered to be printed, and the whole question was ordered to be taken into consideration on this day se'nnight.

Mr. *C. W. Wynn* gave notice, that immediately after the decision of the question, he should bring forward his motion relative to the testimony of gen. Clavering.

Adjourned at half past three o'clock on Thursday morning.

HOUSE OF COMMONS.

Thursday, February 23.

[The Duke of York's Letter to the Speaker.] The *Speaker* rose and stated, that since he had come to the house, he had received a Letter, the contents of which related to the Inquiry now pending before the house respecting the Conduct of his royal highness the Duke of York, and he wished to know whether it was the pleasure of the house that he should read it. [A general exclamation of Read! read! read!] The right hon. gent. then announced that the Letter came from his royal highness the Duke of York, was signed "Frederick," addressed to the Speaker, and dated Horse Guards, Feb. 23, 1809. The contents were as follow:

Sir,   Horse Guards, Feb. 23, 1809.

"I have waited with the greatest anxiety until the Committee appointed by the House of Commons to enquire into my Conduct as Commander in Chief of His Majesty's Army had closed its examinations, and I now hope that it will not be deemed improper to address this Letter, through you, to the House of Commons.

"I observe with the deepest concern, that in the course of this Enquiry my name has been coupled with transactions the most criminal and disgraceful; and I must ever regret and lament that a connection should ever have existed which has thus exposed my character and honour to public animadversion.

"With respect to any alledged offences connected with the discharge of my official duties, I do in the most solemn manner, upon my honour, as a Prince, distinctly assert my innocence, not only by denying all corrupt participation in any of the infamous transactions which have appeared in evidence at the Bar of the House of Commons, or any connivance at their existence, but also the slightest knowledge or suspicion that they existed at all.

"My consciousness of innocence leads me confidently to hope that the House of Commons will not, upon such evidence as they have heard, adopt any proceeding prejudicial to my honour and character; but if, upon such testimony as has been adduced against me, the House of Commons can think my innocence questionable, I claim of their justice that I shall not be condemned without trial, or be deprived of the benefit and protection which is afforded to every British subject by those sanctions under which alone evidence is received in the ordinary administration of the Law.

I am, Sir,
Yours,
The Speaker FREDERICK."
of the House of Commons.

The *Speaker* then said, that though it was usual on such occasions to order the Letter to lie on the table for the perusal of the members, yet as gentlemen on each side of him were anxious for the perusal; and as it was desirable to give the individual members of the house, as speedily as possible, possession of the contents of the Letter, he suggested the idea of taking the Letter from the table now, in order to have it entered without loss of time upon the Votes and Journals.

Mr. *Bankes* said, that, as this appeared to him to be an extraordinary proceeding, he must appeal to the knowledge and recollection of the Speaker, as to former precedents, in order to direct the house in what was proper to be done.

The *Speaker* said, that the constant usage of the house, to the best of his recollection, had been, that all letters received by the Speaker, and which he should deem proper to be communicated to the house, in the first instance were laid on the table, in order afterwards, at a convenient opportunity, to be copied into the Votes and Journals. In all ordinary cases this had been done. Letters had been received by the Speaker, even on an occasion not remote, upon the subject of charges pending before the house; and this was the uniform custom, even without putting any question. But, where a letter on a subject of so much more than ordinary importance was addressed to him for communication to the house, and when gentlemen to his right and left were anxious to peruse it, he felt it his duty to suggest the propriety of immediately ordering it, in the first instance, to be copied on the Votes and Journals, that no delay might occur in placing it in the possession of every member of the house.

The house concurred in the suggestion, and it was adopted accordingly.

[EAST INDIA COMPANY'S AFFAIRS.]—Mr. *R. Dundas* rose to move for a renewal of the Committee which had sat last session on the East India Company's Affairs. The house would recollect that last session a Petition had been presented from the East India Company, praying for a settlement of Accounts with the public, and also for aid. On this a Committee had been appointed, and though it had performed the duty to a considerable extent, yet there were various points which still remained to be considered. The finances, the trade, and several other matters had not been so thoroughly inspected as they ought to be. He stated last year, that it would be most proper to appoint such persons as were most conversant with East India Affairs; he would now move for the re-appointment of the same persons, with the exception of two, who said that it would be very inconvenient for them to attend. The exceptions were Mr. T. Grenville and Mr.

Hobhouse; and in their places, he would propose lord Temple and Mr. Addington.

Mr. *Creevey* observed, that he had several objections to the plan of constituting the Committee, as it had been before constituted, and he conceived this to be a proper time for briefly stating those objections. For the purpose of placing those objections in a just light, he adverted to the Committee, that had been appointed on the motions of Mr. Burke and lord Melville. On the Report of the Committee appointed by lord Melville, had been formed the Board of Controul, and members would, no doubt, recollect how his lordship had come down, session after session, with congratulations to himself and to the country, upon the prosperous state of our empire in the East, owing to his system. The noble lord opposite (lord Castlereagh), who had been educated in his school, followed his steps exactly, and repeated his congratulations. In 1806, however, when another noble lord (Morpeth), a friend of his, held a situation in the Board of Controul, a very different statement was produced. In 1807, the Company had come to the house with a Petition, that they might be allowed to borrow money upon their bonds. He resisted that, unless they would consent to make a complete disclosure of their affairs. This they promised in the following session, and a Committee was accordingly appointed. The house was aware of the importance and extent of the matters to be inquired into. The house had passed a Resolution disapproving of further conquests; but instead of adhering to the plan recommended in this Resolution, the Indian politicians persevered in their destructive schemes, till a great number of the native princes were destroyed, and the greater part of their dominions added to the territories of the Company. All the predictions with respect to their finances had failed; except that in one instance they had performed part of their engagements to the public, by paying 500,000*l.* The debt, which was to have been liquidated long before the time at which he was speaking, had constantly increased. It was impossible there could be a grosser case. In addition to this, the Committee had to consider the declaration of all the Directors, excepting one, that the wars of the marquis Wellesley were the cause of their embarrassments—that he had acted in violation of their laws, and had introduced into India a system of complete despotism. What subject could be more grave and urgent than this? The whole causes of the disappointments experienced for such a long series of years; even the utility of the system of controul, might be called in question, as well as the conduct of all those connected with it. There might also appear some reason to conclude that the conduct of the Directors themselves ought to be arraigned; and yet the Committee selected to inquire into all these transactions were the very persons whose conduct might be called in question, as connected with these transactions; and they were thus to sit in judgment upon themselves and their system. There never was such a mockery of inquiry before. The person who proposed the Committee, and those of whom it was to be composed, was himself at the head of the Board of Controul, and nearly connected with its founder; and, therefore, it was to be presumed, that none of the Committee could be so uncivil as to open the lip against that system, or deny its utility. And though the marquis could not be on that Committee, yet care was taken to place his connections there; and the right hon. baronet (sir John Anstruther), who was the friend of the marquis Wellesley, and had been intimately connected with his system in his capacity of Chief Judge of Bengal, was to be the Chairman of this Committee! Would the hon. and learned baronet say a word upon the despotic system of the marquis Wellesley? But then it might be said, that two of the Directors were there. These Directors were, however, suing the Committee for money, something in the manner of paupers, and they were, out of doors, suing the right hon. gent. (Mr. Dundas) for a renewal of their charter. It was not probable, under these circumstances, that they would be very obstinate in their objections to whatever policy the right hon. gent. should approve. But it might be said again, how could we get information on these subjects, unless the Committee was composed of such as were most conversant with these matters? The best way to come at information was by the examination of records and of witnesses. Those persons most capable of giving information, might be examined by impartial though unlearned persons, and much more good would result. As a confirmation of this he mentioned the result of the labours of the unlearned Committee of Mr. Burke, which by the examination of witnesses and records, had produced a Report abounding in information. The information given in by lord Melville's Committee was not so profound and ample; but the Reports of both were admirable, when compared with the miserable production of last year by these knowing gentlemen. He blamed the Committee also for not producing the document for which he had moved last year. It was the very worst Committee that could be appointed, if the object was to give accurate information to the public. The great object of Buonaparté was to get to India; and he had already attempted to pave the way to that object. He had been successful at the court of Persia; and if he could reach our Indian possessions, he could not have two better allies than the embarrassment of the finances and the alienation of the natives. A Committee of this kind was calculated to preclude, and not to elicit information, and therefore he protested against it.

Sir *Arthur Wellesley* thought it rather an odd way of selecting a Committee, to fix upon those persons who were ignorant of the business to come before that Committee, to the exclusion of those who were informed upon the subject. The hon. gent. had objected to him (sir A. Wellesley) in a pointed, he might almost say in a personal manner, but he appealed to that hon. gent. as to the line of conduct pursued by him in the course of the proceedings of the late Committee. He begged leave to observe, that it could not be owing to any material difference as to the sincerity of his views with respect to East India politics, for he (sir Arthur) had divided with that hon. gent. on a question of no trifling importance, that had been before that Committee, and he did assure that hon. gent., that of this he might be sure, that whenever the conduct of his noble relation came before that Committee, the fullest and the most rigid inquiry into that conduct should at all times have his most cordial support. Indeed, he never should shrink from not only inquiry into that, but into all that either his noble relation, himself, or the marquis of Cornwallis, had done, even from the time of the year 1782. That our East India settlements had been most considerably extended, he did not think to constitute in itself a serious accusation, but he was fully prepared to prove to the Committee, whenever they would go into it, that the extension of our dominions had not been owing, as it had been presumed, to any aggression on our part; neither had they been undertaken with any view of ambitious aggrandizement. Whether and how far they were to be followed up, would be a question of a very different nature. It was certain, that war was in no country so expensive as in the East Indies. Since the peace of Deccan, concluded by him in 1803, there had not been in that province the slightest symptom of a tendency to hostilities. With respect to the Exposition, he thought that every paper relating to it ought to be produced. He wished the Exposition to have fair play, and it should be the intention of the Committee to give the details of all matters of Exposition. He could only say, with respect to the propriety of his own appointment, that if the house should think proper to add his name to that Committee, he never would oppose any question with respect to India, and he would; in every respect, discharge his duty with impartiality, and to the best of his abilities.

Mr. *Creevey*, in explanation, denied that he had made any personal objections whatever to the gallant general, his objection was generally to those filling official situations.

Lord *Archibald Hamilton* regretted that it was so often his misfortune to differ from gentlemen in that house upon the subject of East India affairs. He did think that the oppressions arising from the abuses of power by Buonaparté, were not greater nor more unjustifiable than those practised by the British government in India, and there had been a time when those opinions were more generally maintained, and more openly avowed, than they now certainly were. He was therefore at all times anxious for inquiry the most strict; which to be so ought to be the most impartial. He had no personal objection to any hon. member of that Committee, but he was sure that any member being personally unobjectionable, was not therefore a sufficient reason why he might not be objectionable on the score of partiality.

Mr. *W. Smith* was satisfied that there was nothing personal meant in the objection taken by his hon. friend, to the propriety of admitting the hon. general to a place in the Committee. The objection referred to official capacity only, and he did think the objection in this point well grounded. With respect to precedent, as alluded to by the hon. general, he was one of those who thought that forty precedents together could never sanction error. So far was he from thinking that the precedent of appointing informed persons should only be adhered to, that he thought that the house in nominating persons to this Committee, should rather look for impartiality with the means of obtaining information, than partiality, however fully possessed of that information, for in his experience he never met with many free from bias. He did not mean improper or corrupt bias, but that tendency to decide according to one's wishes; in the case of a common jury it was surely a matter of recommendation, that they were wholly ignorant of the merits of any case they were called upon to try. But if the persons to try in the present instance were not only acquainted with the circumstances of the question, but were parties in it, it was vain to say, that such persons could be competent judges. Here, then, the objection of his hon. friend lay; it was not to the individual, but to the situation which that individual had been in; and so far had he thought this principle objectionable, that it had always been his opinion, an opinion from the open avowal of which he had never shrunk, that the great mixture of the officers of the crown with the members of that house, had a tendency to prejudice the character, by improperly influencing the decisions, of parliament. This had been at all times his opinion; at the same time, he was aware of the suggestion, that it was perfectly possible to let the officers of the crown have seats without votes.

Mr. *Wilberforce* said, he was not present at the commencement of the debate, but as he had a personal interest in the question, (he being one of the members proposed for that Committee,) he did wish to say one or two words. He dissented altogether from his hon. friend who had just sat down, as to the principle that would, in its application, tend to the exclusion of the servants of the crown from a share in the debates and decisions of that house; in every tribunal it was not to be doubted that impartiality was not only a desirable, but an indispensible qualification; but he could not go so far as to assent, that due information upon any question to be tried was inconsistent with impartiality. How would such a principle, carried to such an extent, apply to the officers who conducted in that house the business of the country? Were they to be driven from the privilege of defending in public whatever measures for the general good they had devised in private? Were they to be forced to leave to others to explain what they themselves best understood? and was it the most gracious way to encourage and assist their exertions to exclude them from the common privileges of the government, because they had taken upon themselves the arduous responsibility of governing? He could not pass over the observations of his hon. friend in silence; but with respect to the Committee, he thought it an advantage that it should not be deprived of those gentlemen, whose information must be of such service in the course of its inquiries: as far as respected himself, he unaffectedly assured the house, that he did wish to decline being a member of that Committee. He was afraid he could not possibly devote to it as much attention as he wished, and he should be glad that the name of some other gentleman was substituted in place of his own.

Mr. *Whitbread* said, that the hon. gent. had begun by informing the house that he had not been present at the beginning of the debate. That he had not, was pretty manifest from the tenor of his speech: there was in that speech internal evidence that the hon. gent. did not hear what had gone before him. But with respect to the principle laid down by the hon. gent., in reference to public men, he had the misfortune widely to differ from that hon. gent. He protested against the principle of confidence in public men, and contended for it, that the constitutional principle was distrust—distrust in all public men, be they whom they might. He differed farther from the hon. gent. as to the importance of information on the part of those who were to inquire: information was seldom unaccompanied with bias either to the one side or the other, and even if it were not, he doubted the great advantages imputed to it. They had in their recollection three Committees: two of them, with respect to their previous ignorance of the matter into which they were to examine, might be denominated the unlearned Committees. The unlearned Committees had done their duty, while they had had as yet but one Report from the learned Committee. He had heard the speech of the gallant general, but he had heard nothing to do away the objection that officially existed against his appointment. The gallant general had told the house that he could prove such and such matters in the Committee—that he could prove the justice of his noble relative's administration in the East—that he could prove also the justification of the measures of the marquis Cornwallis—why, this was all very well in any other character, but not for the man who was to commence an unbiassed inquiry. Let the hon. general go before the Committee, and give in his depositions as a witness, but let him not assume to himself the character of an unprejudiced judge in matters in which he has prejudged already; in short, he was of opinion that the hon. general had disqualified himself by his own speech. But the hon. general was not the only person objectionable. Was the situation of War-Secretary such a sinecure, as that the noble lord could be spared from that department to attend to the business of this Committee? Could the right hon. the Chancellor of the Exchequer quit his official situation, as the hon. general had quitted the Chief Secretaryship for Ireland, to discharge the very important duties of a member of this Committee? And as for the Directors, and the members of the Board of Controul, he rather thought that they should be examined against each other as witnesses, than be suffered to preside as judges. The prophecies of sir Philip Francis were fully verified, a man who not only possessed information and integrity, but what was equally important, was independent of office. He did not think that the son of a noble lord who had established the Board of Controul, and who was in other respects so interested in India affairs, or that the brother of a noble marquis, whose administration was thought by some to be so hostile to the interests of Great Britain in India, were the fittest persons to be appointed members of this Committee. He disapproved also of sir John Anstruther being a member of it, upon no other ground than that the mind of that gentleman was already made up upon the subject, and this, he thought, in itself amounted to a disqualification.

Mr. *Fuller* entered into a comparison between the East and West Indies; the former he viewed as represented by Boards of Controul, Courts of Directors, and he knew not what, while the latter was denied justice, and oppressed.

Mr. *W. Smith* rose to order. It was rather out of order to accuse the house of commons of injustice and oppression towards the West Indies; and, besides, it had nothing to do with the present question.

Mr. *Fuller* resumed, and made a few further remarks approbatory of any reform that could be effected.

Mr. *C. Grant* said, if the Committee was such as he supposed it to be, viz. to inquire into the present state of the Company's Affairs, and the causes which brought them into such a situation, it appeared to him to be fairly constituted.

Mr. *P. Moore* said he thought the Committee a perfect farce and mockery of the public, for it will consist of two parties who ought to be in permanent hostility against each other. The gallant general had said the last war in India had produced the longest peace that had ever been known there; whereas the peace of 1781, made in a few hours, continued for a period of 19 years, till the gallant general was sent out to India with a discretionary power of peace or war in his pocket. The whole system of India had been wrong ever since the minister of the crown had interfered to set it right. The India Company were sufficient to do every thing that could be wished, but the Board of Controul would not permit it. Print the journals of the Board of Controul, and there would appear a system of the greatest fraud and peculation that was ever heard of. When the house came to the consideration of the finances of this country, which he hoped would soon be the case, it would be found that here, as in India, the shameful profligacy and lavish expenditure which had for so many years existed in full blossom, had wasted all the resources of the country in undue patronage, and influence of one kind or other. As to the Exposition, it ought to be produced, that those in the house who wished not to be on any Committee, might see how the resources of the country had been managed. Whilst the whole play of dethroning princes and rajahs was carrying on, not a word of information was sent to their masters the Directors: but they continued in full correspondence with the Board of Controul, and now they were going to club their efforts as a cover to blind the public, and keep them in ignorance of what is going on. He would advise the Chancellor of the Exchequer to take care how he parted with the public money, for he would shew soon, that the looseness and profligacy which had been used in lavishing it away, had drawn the country into all the difficulties under which it now laboured; and to give us a system which had annihilated all the resources of the India Company, was absurd and preposterous. He had thought it necessary to trouble the house thus much on the business of this Committee, but his chief aim was to caution the Chancellor of the Exchequer how he parted with the public money.

Mr. *G. Johnstone* spoke in favour of this Committee, which, if it had any fault, it was that of leaning too much towards the East India Company. He coincided with Mr. Whitbread, in his panegyric on sir P. Francis, whose name, if he had been in the house, would have been one of the first proposed by his hon. friend to be upon the Committee.

The question was then put, and carried.

Mr. *Creevey,* in consequence of his notice, rose to move for the production of the Exposition, which had been laid before the last Committee, which he considered as calculated to give more information than the Report of the Committee. In order to shew the grounds for this impression on his mind, he would read certain passages from the paper.

Mr. *Wallace* spoke to order, he considered it irregular to read from a paper, of which it was the object of the motion to obtain the production.

The *Speaker* observed that it was perfectly in order for a gentleman to state the grounds for his motion.

Mr. *Creevey* proceeded to read from the Exposition, when,

The *Speaker* informed him that it was not regular to read to the house that which he was asking the house to order to be produced. It was the same as with a petition, of which a member might state generally what was the scope and nature, but it was not allowed to be read, even at the table, till the permission of the house was received.

Mr. *Creevey,* desisting from reading the passages, took a general view of the motives which induced him to offer this motion to the house.

Mr. *Dundas* said, it was very unusual, when a Committee was appointed, to anticipate the report of that Committee, by calling for any particular document before the time when the others were to be produced. He doubted not but the Committee would produce that and every other paper relating to the affairs of the Company in due time.

Mr. *Whitbread* compared the conduct of those interested in keeping back the paper called for, to that of a schoolboy he had read of, who would not say A lest he should be compelled to say B. The Exposition called for was of great importance. It could do no harm, it might be productive of much good; he therefore trusted it would be brought forward.

After some further observations, the motion was negatived without a division.

[Corn Distillery Prohibition Bill.] The *Chancellor of the Exchequer* moved the order of the day for the house going into a Committee on this Bill; but before going into the Committee, he moved that it be given, as an Instruction to the Committee, to admit a clause into the Bill, empowering his majesty to prohibit, by Proclamation, the distillation of spirits from corn in Ireland, how and when he should think fit.

Mr. *Barham* said, it was far from his intention to offend any one; but it was his intention neither to give nor take assertions without proof. He then proceeded to speak on the consumption of spirits, and the beneficial effects which would result from a more general distillation from sugar. Here he gave in a variety of statements and calculations to shew the bad effects of suffering a distillation from corn to exist, to the extent it did at present. He then spoke of the necessity of manifesting a greater regard for our colonies, by opening a more extensive market for their commodities. No one could be ignorant of the low state to which they had been reduced; they had now, in some measure, recovered themselves, but unless such a measure as that he proposed was pursued, their situation would inevitably become worse than ever. Adverting to the affairs of Ireland, he strongly censured the idea of any thing like a combination being in existence; it was a libel on the generous feelings and the understandings of the people of that country. The people of Ireland, he declared, were not averse to the operation of the Bill; he therefore should move, "That an instruction be given to the Committee to extend the provisions of the Bill to Ireland."

Mr. *Foster* supported the measure. He stated, that from Jan. 1808, nearly six millions of gallons of spirits had been distilled in Ireland, although not one gallon was distilled from sugar during the whole nine months of the operation of the Bill. It was solely the production of clandestine distilleries, although every exertion had been used to execute the laws, and the collectors had been most vigilant. The hon. gent. who opposed its operation being discontinued, had stated that 2,000 quarters of barley had been purchased at Lynn, at 43*s.* per quarter, for the purpose of importing into Ireland; but he (Mr. F.) should aver, that no man would have done so unless he was intending to distil it clandestinely in that country, for 33*s.* per quarter was at present at the medium price. His opinion was, that the agricultural interests of the country should never be invaded but upon the apprehension of scarcity; and he should prove that there was no such apprehension at present existing in Ireland, to call for the continuance of the former measure. He did not believe that there was a man in Ireland who wished the distillation from sugar to go on, save only those interested individuals, who had attended the meetings which were said to have taken place at Dublin, Cork, Waterford, and Limerick. In regard to the meeting at Waterford, the magistrates issued a notice for that purpose in the newspapers, but assigned no grounds for opposing the measure, as the Petition itself would shew. Every one in Ireland knew that the former bill was soon to expire, and yet no one had come to petition parliament in order to renew it. The obvious reason was, that at this moment there was an uncommon supply of grain in that country, insomuch that England had received from Ireland last year an importation of one million of barrels of oats more than ever before occurred. The continuation of the prohibition would not tend to yield any more food either for man or beast. He had a return from the officers of excise, stating the quantity of stills seized, together with their size and estimated produce, from which it appeared, that from the 10th of Jan., to the 10th of Dec. 1808, unlicensed stills had been seized capable of distilling 800,000 gallons of spirits per month, a quantity that would amount to half a million of gallons more than ever was formerly produced in Ireland within the same space of time. An idea had gone abroad in several parts of Ireland, that the clandestine stills afforded a more ready market to the farmers for their grain, which led these kind of stills to be in general favourites with the lower orders of the people. Now, the object of the present measure was to bring the people to reason, and shew them that by encouraging the legal stills, preferably to the clandestine stills, the markets would be equally good, sure, and advantageous, and the revenues encreased. By putting the licensed stills thus in competition with the unlicensed ones, the feelings of the people would then be, which of them were most for their interest to support. By doing away the unlicensed stills, he had no doubt it would prove a source of wealth to the people. The revenue, last year, upon malt and stills, amounted only to 120,000*l.* instead of one million and a half. Thus, there was nearly one-fourth of the revenue depending upon this measure, besides the destruction of the morality of the people. He believed the bill had already had a fair trial, and as it had not been found to succeed in Ireland, it ought to be discontinued.

Sir *John Newport* wished that the petition from Waterford should be read, in order to convince the right hon. gent. that his statement was erroneous, as to its not assigning any reasons for the opinions of these petitioners. Never did a petition contain stronger grounds, or a greater variety of reasons. It was signed by a great number of most respectable names. He had the authority from the mayor who transmitted it to him, to state, that if it could have been allowed to lay longer for signatures, it would have received all those of any note or consequence in the town. He could assure the house, he had no knowledge of the progress of any such petition, so that it came to him totally unsolicited on his part. There were few parts of Ireland more competent to form a judgment of the quantity of grain on hand throughout the country than Waterford, as nearly one-third of the whole grain was supplied from it. The town of Clonmel was in one of the most perfect districts of Ireland, and every person there was unanimous in their opinion as to the propriety of continuing the restriction of distillery from corn. The right hon. gent. had taken very fallacious grounds in arguing that the prices of grain were low throughout Ireland, for he had made his calculation when the price of spirits was 7*s.* per gallon, and did not advert to the consequences arising from its being now at the price of 17*s.* per gallon. The fact was, that the increased price of spirits had the effect of increasing the consumption of malt in the breweries, instead of the consumption of grain in the distilleries, besides producing the best effect upon the morals of the people. When it was said that the encouragement to the legal distillation would put down illicit distillation, it was not advocated in Connaught, and almost the whole of Ulster were formerly, as now, dealing in illicit traffic of that nature. Orders were issued to send two revenue cutters to intercept the grain and spirits so produced, and that measure was proved to have had a beneficial effect in suppressing illicit stills; but it had been of late discontinued, he knew not why.—He could not agree with the right hon. gent., that the lower order of the people were the only class that encouraged illicit distillation; for in his opinion, the higher orders were equally participators and encouragers of that traffic, and he had heard gentlemen of respectability defend them on the same principles as had been uttered this night. He thought the higher class were much more culpable than the lower. A bounty had been given upon the higher species of stills, which made it impossible for the lower or smaller stills to be so much employed as they otherwise would have been. The only reason for this was, that the higher stills were more easily watched than the smaller ones; but it was not adverted to, that the higher description of stills required much more capital to work them, and could only be employed by wealthy inhabitants. The effect of this was that the market was taken from the door of the former, and operated as an encouragement to malt distillation. The farmers in Ireland had not the advantage of navigation to convey their grain to market, and therefore they found the small stills the most beneficial. Upon that ground, then, it was evident that one cause of complaint would be removed by taking away the bounty upon large stills, and placing them on a footing with the smaller ones; for, by that means, the incentive to illicit distillation, would be completely removed. The right hon. gent. then entered into a comparison of the prices of grain for the last 3 years, by which he shewed that they were higher at present than formerly, and therefore if it were wise to put a stop to the distillation from grain in May, it was much more necessary now. It was a serious thing to advise the distillation from grain, when there were evident grounds for apprehending a scarcity. He begged the house to pause before they adopted such a measure as that now proposed; and the more especially, as in the North of Ireland there were apprehensions of a want of employment for the flax spinners, in consequence of the dearness of flax. If any increase in the price of provisions took place at a time when there was a diminution of labour, let ministers not be surprised that discontents should remain. When there were petitions from Belfast and from Waterford, places quite distinct and unconnected with each other, and therefore no common interest nor concern between them as to this particular measure, it was evident that there was nothing operated upon their minds, but the scarcity which the people of Ireland thought likely to arise from it.—These were striking and strong facts; but there was also another which he might advert to, which was, that a very large proportion of the potatoe-pits had been opened; and in consequence of the floods, the potatoes had been found to be rotten; and he begged the house to advert to what might be the consequence, if the whole of them was found in the same state.—Besides this, he should call upon the house to consider well before they, by adopting such a measure, put it in the power of the crown to continue or discontinue an act, putting Ireland on a footing with G. Britain, and thereby infringing the act of union.—The right hon. baronet concluded an eloquent and impressive speech, by stating, he had felt it his duty to submit these matters to their consideration, and by assuring them, that they had such weight upon his mind as would induce him to vote for the amendment proposed.

General *Mathew* supported the present Bill. Clonmel, the capital of the county which he represented, no doubt was against the bill, but other 14 or 15 towns in the same county supported it.

Mr. *Bagwell* did not believe potatoes had been cheaper in Ireland for many years than during the present. He must, therefore, be excused in voting against the inclinations of his constituents of Clonmel.

Mr. *W. Smith* was clearly of opinion that colonial interests should at all times yield to those of the native country; but at the same time, he could not so separate the interests of the countries, as to say that England should be said to have no sufficient supply, while Ireland had. It appeared to him to be a matter of great risk to make two laws, one for one part of the country, and the other for the other.

Sir *Arthur Wellesley* said he was of opinion last year, there was not a sufficient quantity of food in Ireland for the demands on her. He was of a different opinion as to the present period; although the prices were high in Dublin, he was convinced there was more than a sufficiency to supply any demands that could be made on her.—He was well aware, if the distillers were not allowed to go on in their usual course, they would go on privately, and defraud the revenue of the country.

Mr. *Marryat* said that the arguments in favour of the measure proposed were not satisfactory. As to the price of corn, its inequality could not long exist, from the proximity of the two countries. The result to the revenue would be very different from that stated by the Chancellor of the Exchequer, for what was distilled in Ireland could be brought over to England, as the officers who would accept a bribe to permit illicit distillery, would take one in any other case, and Ireland would become a second Dunkirk to Guernsey and Jersey. This measure had affected the price both of grain and sugar; for since its introduction, sugar had fallen in price, and grain had advanced. He concluded, by saying he would vote in favour of the amendment.

General *Tarleton* called the attention of the house to the petition he had presented, and expressed the effect the measure had had upon Lancaster. Considering the state of the continent, our military operations, the little probability of peace, the situation of the Baltic, and America, he would support the amendment.

Mr. *Macnaghten* said, on account of the clause putting it in their power to prohibit the use of grain being introduced, he would vote for the measure.

Mr. *Ellis* supported the amendment.

Mr. *Western* objected to the bill altogether; any interference of parliament tended to increase the price of grain.

Mr. *Wilberforce* said, that the knowledge of its being in the power of government to stop the distilling from corn at pleasure, would only increase their exertions in Ireland, to use the privilege while they had it.

The *Chancellor of the Exchequer* said, that he should certainly not support this measure, if he imagined that Yorkshire, or any other part of the united kingdom would, by the operation of it, be deprived of any part of the supply which they would otherwise receive from Ireland. He was convinced, however, that the surplus of the corn in Ireland would otherwise be employed by the illicit distilleries to the prejudice of the revenue in the sum of 700,000*l.* annually.

Lord *A. Hamilton* mentioned, that the western parts of Scotland would suffer materially by permitting the corn distillery in Ireland.

The house then divided on the Amendment, which was negatived, Ayes 37, Noes 40; majority for Ministers 3.—The original motion was then put and carried.

[The following report of the speech of Mr. Hibbert upon this Bill, on the 6th instant, will be found fuller than the one given at p. 374.]

Mr. *Hibbert* approved of that part of the principle of the Bill which further restrained the Distillation from Grain. If the measure of last year had not yet shewn its ill effects, one might fairly conclude that to it was in no degree imputable the scarcity and dearness of grain which, since that measure, had been progressive. Upon this fact, and upon the continued uncertainty of foreign supply, rested the expediency of prolonging the disuse of grain in the distillation, and the landed interest in that house did not appear at present inclined to oppose it.—But he presumed that he was in order, when he considered as part of the principle of the proposed Bill, the exception of a large division of the empire from its operation; a matter he conceived of too primary importance to be reserved for argument in the Committee. One part of the United Kingdom could not fail to partake either of scarcity or plenty existing in the other; the prohibition therefore, if it was right at all, should be general. The right hon. gent., in giving notice of the Bill, at a late hour, and when the house after a long debate was little inclined to attend to any observation on the subject, had indeed stated as a reason for this exception of Ireland, that since the act of the last session, the use of sugar had not been extended, nor the use of grain diminished, in that country, while the revenue from spirits had almost totally failed there from the stimulus which had been given to illegal distillation. Even admitting these facts, they were not conclusive; for the experiment had not been fairly tried. In England and in Scotland the duty imposed by the late act on spirits from sugar, had been made exactly equivalent to that which in those parts respectively attached on spirits from grain. Not so in Ireland, where sugar spirits had been subjected to a duty of 8*s.* 3*d.* per gallon, the duty on corn spirits being no more than 5*s.* 8*d.*; under which disparity the legal distillation, and the legal importation, were both discouraged, while a considerable premium was held out to the contraband dealer. Evidence could be given to the house, that had the duty on sugar spirits been levelled to that on corn spirits in Ireland, the legal distiller would have worked, and the importation of spirits would have been extended, to the advantage of the revenue. He believed this provision of the late act had been matter of surprize. He trusted that, however good in general the counsel of the Chancellor of the Exchequer for Ireland, his authority on this occasion would not be followed implicitly and without examination. The sentiments of that right hon. gent. were well known. He was adverse to the whole principle of the measure. No scarcity, or dearness of grain could reconcile to him its prohibition in the distillery in any part of the empire, and it was not therefore to be wondered at, if he had been anxious to save Ireland from its operation. These were not, however, the sentiments of that house, nor of the right hon. gent. who introduced the Bill, and it would be unwise to adopt a proceeding so extraordinary and so partial, without a fair experiment under provisions and regulations that might afford the best chance for its success. The Act of Union, it was well understood, wanted revision in some of its parts for the benefit of both countries; but it was most consistent with its spirit to proceed to that work at once, and not by prohibiting the intercourse in any instance to cut the gordian knot, which a little patience and attention might unravel. The interest of the revenue was said to be at stake. The principle of the Bill had nothing to do with revenue, but into that consideration should enter how far the deficiencies complained of were or were not inevitable, and how far any accidental deficiency might be amply made good by the additional tax of 3*s.* per cent. on the whole of the sugar consumed within the kingdom; this tax, which attached only at certain average prices of the article, would in his decided opinion be levied upon the coming crop, if the sugar distillery was extended to Ireland, and not otherwise.—He offered these observations not in opposition to the Bill, but earnestly recommending a reconsideration of the proposed limitation of its opetion, which he believed to be inconsistent, unfair and impolitic.

HOUSE OF COMMONS.

Friday, February 24.

[Lancaster Cotton Weavers Petition.]—Mr. *Blackburn* presented a Petition from the Working Cotton Manufacturers of Lancaster, praying a Bill for settling a Minimum on the Rates of Wages.

Mr. *Davies Giddy* said, that averse as he was to any strong mark of discountenance to petitions coming from any class of subjects before that house, yet he felt it his duty, on the present occasion, out of lenity to the petitioners themselves, to give the earliest opposition to a petition, praying that which it was scarcely possible for that house in its wisdom to grant, because it would be the most ruinous principle which could be adopted in any country, namely, that of fixing by law, a minimum or a maximum to the price of labour, food, or any thing else, which in their very nature, must always fluctuate in different places according to local and temporary circumstances. Something of the kind was attempted during the French revolution under Robespierre, for settling a maximum on the price of provisions, and which was productive of the most dreadful consequences to the French nation. Were it adopted in the present case, it would have the effect of throwing almost perpetually out of employment immense numbers of the petitioners themselves, and aggravating, in an incalculable degree, the distresses of which they complained. He had taken much pains to inform himself on the subject of this petition, and the more he considered it, the more ruinous to the petitioners he saw would be a compliance with their request. Seeing, therefore the utter impolicy of such a compliance, he thought the sooner they were taught to feel there were no hopes to be entertained that parliament would accede to their object, the greater would be the lenity shewn to them, and the more speedily would they be saved the further loss of time and expence, as well as restraint from tumult and disturbance. He should therefore move that the petition be dismissed.

The *Chancellor of the Exchequer* coincided with the hon. gent. as to the impossibility of complying with the petition, upon considerations of lenity towards the petitioners themselves. But he was against any proceeding that might have the appearance of harshness, or discouragement towards any class of subjects, in exercising the right, common to all, of petitioning that house. He was, therefore, disposed to think that the petition should be allowed to be on the table.

Mr. *Curwen* thought, if the petition was referred to a Committee up stairs, some relief might be suggested for the petitioners, who were really very much distressed.

Mr. *Rose* said, the subject had been before a Committee two years since, which after long and minute deliberation, could suggest no relief for the petitioners. It had occurred to him that the same kind of regulation which had been found so salutary in the case of the silk manufacturers, namely that of referring the regulation of the rates of workmanship to the magistrates at the quarter sessions, might have the best effects; but the idea of a maximum or minimum in the price of labour, provision, or commodities of any kind, was totally inadmissible. If, however, the house should think fit to refer this petition to a Committee, he would most readily attend it from day to day, and give every aid in his power.

The Petition was ordered to lie on the table.

[The Duke of York's Letter to the Speaker.]—Mr. *Whitbread* said, he rose for the purpose of drawing the attention of the house to an act which in his opinion more deeply affected their privileges than any thing that had ever occurred since he had the honour of a seat in it. The act he alluded to, was the Letter written by his royal highness the Duke of York, addressed to that house, and conveyed to it through the medium of the Speaker. The Speaker had certainly done his duty, as he always did with the greatest propriety and correctness on every occasion, by informing the house of the method usually pursued in cases of letters addressed to the house being communicated through him, and the result was that the paper was ordered to lie on the table. If he (Mr. W.) did not then object to it, a few minutes reflection enabled him to ascertain to his own satisfaction, that the true mode of proceeding would have been to move that the debate be adjourned. It appeared to him that this Letter struck at the privileges of the house, by stating, that it had examined evidence which it ought not to have done. His royal highness was as competent to have written to the house in the first instance, that it ought not to institute and carry on any inquiry on such evidence as would be produced before it. If it was the intention of any one of those who had advised his royal highness to write this Letter, hereafter to make any motion on the subject, the house would then be enabled to form a judgment what line of conduct ought to be adopted respecting it. Till he received some answer on that head, he should content himself with repeating, that he deemed the Letter to be a gross violation of the privileges of this house.

The *Chancellor of the Exchequer* said, he did not know how, according to the rules of the house, he could take notice of what the hon. gent. had said, as he sat down without making any motion. He himself thought as highly as any one of the privileges of that house; and it did not appear to him, that any thing in the Letter in question could be said to be an attack on, or an infringement of them. If the hon. gent. had made any motion, he should have been able to have drawn a conclusion on what he meant. All he could now collect was, that there was something contained in the Letter, which seemed to protest against the justice of the proceedings of the house upon this head, on the ground that the evidence examined before it was not under those particular sanctions which the law required in other cases. So far from this being the fact, all he understood by the letter was no more than this, that h. r. h. supposing himself to be attacked in such a manner as to make it necessary to go into an inquiry, in order that the whole should be elicited in the most open mode, and finding that the evidence was closed, intended to lay before the house an allegation of his innocence; and if the house should, after that allegation, be inclined to doubt his innocence, he states, that he hoped the house would not enter upon any proceeding which might have the effect of condemning him before he could have a trial, in which he would have the advantage of evidence under all the sanction and solemnity of the law. He was certain that h. r. h. had not the smallest intention to attack the privileges of the house; and how the Letter could be conceived an attack on them, he could not conceive. That it was not wholly unprecedented, he contended was apparent from what the Speaker had stated on the preceding night. If any farther information could be obtained by means of a Committee searching for precedents, he should be extremely glad of it. The hon. gent. wanted to know whether he or any one of his right hon. friends, intended to move any thing on the subject. For his own part, he had no such intention, nor had he heard or understood that any one else had. The Letter was now become a document on the table, and like any other paper or petition which was ordered to lie there, might be referred to by every member of the house, and every individual who might refer to it, might make what remarks on it he pleased, or adopt any proceeding relative to it which he thought necessary.

Lord *H. Petty* thought the question of such extraordinary importance as to require the particular attention of the house, being, in his opinion, a direct attack on its privileges. He had not understood his hon. friend to object to the Letter, in as far as it contained an allegation of innocence, but in going beyond that allegation. It was subject to the obvious meaning or opinion, that no declaration could be come to by that house on the evidence laid before it, but such as would carry it out of the province of the house; and when the word "condemned" was considered, it was to be inferred that the house ought not to determine on the evidence laid before it, which was the only evidence that it could receive. He therefore thought, with his hon. friend, that the house had, by the vote of last night, permitted a Letter to be put on the table which was an attack on their privileges.

[Conduct of the Duke of York.] The *Chancellor of the Exchequer* said that he found, on an application to the printer of the Minutes, that he would not be able to have those which related to the Inquiry into the Conduct of the Commander in Chief, ready to deliver to the members of the house so soon as Monday next; nor could he even answer for Tuesday or Wednesday. He thought, therefore, it would be necessary to enlarge the time beyond that which had been fixed for bringing up the report; and as the hon. gent. (Mr. Whitbread) was in possession of Monday se'nnight, he was at a loss how to fix so early a day as he could wish, unless the hon. gent. would agree to postpone his motion to a future day. The hon. gent. had already so frequently postponed it, that he hardly knew how to ask him again to do it; but if he could with convenience, he should be obliged to him.

After some conversation between the Chancellor of the Exchequer and Mr. Whitbread, it appeared that as the assizes in Ireland were nearly approaching, and that many members from that part of the united kingdom, who wished to be present at the discussion of the American question, could not conveniently remain in town longer than Monday se'nnight, it was agreed that Mr. Whitbread's motion should stand as it was already fixed, for that day, and that the Report on the Inquiry into the Conduct of the D. of Y., should be taken into consideration on Wednesday the 8th of March.

Mr. *Tierney* wished to know, if, when the Report was brought up on Wednesday se'nnight, the right hon. gent. intended to come forward with any specific proceedings on it.

The *Chancellor of the Exchequer* said, he did not conceive he had any thing to do with the business, in the way the right hon. gent. had mentioned. He conceived it to be in the hands of the hon. gent. (Mr. Wardle) who brought forward the accusation, and he did not think it would be proper for him to interfere in it, as he naturally supposed the hon. gent., whom he did not then see in his place, would bring forward some proceeding or other on it.

Lord *Folkestone* said, he did not rise to object to any thing which had been said by the last speaker, but thought he had reason to complain of the right hon. gent. below him (Mr. Tierney,) as his question seemed to insinuate that his hon. friend had abandoned the business, and wished the right hon. gent. opposite to him to take it up. His hon. friend had, however, expressed his readiness to go on with the matter even on the day that had been first appointed, though he (lord F.) thought it too early a one. The right hon. gent. might, therefore, rest satisfied that on Wednesday se'nnight the matter would be taken up by his hon. friend, who had left the house, not supposing any thing would be said on the subject that night.

Mr. *Tierney* disclaimed any intention of even a wish to take the business out of the hands of the hon. gent. who brought forward the accusation, and had only asked the question to satisfy himself, whether on that night any proceeding was to take place on bringing up the report.

The *Chancellor of the Exchequer* then said, it would be recollected by the house, that the hon. gent. opposite (Mr. Wardle) when he brought forward his Charges, had mentioned an Office in the City kept for the Sale of Places under Government, in which the names of the Lord Chancellor and the Duke of Portland had been used. He had then said he would be glad to give every assistance to the hon. gent., in order to discover if any such unjust practices were really in existence. Since that time, a gentleman had observed an advertisement for the sale of a place under government, and had applied accordingly to the office of Coleman and Taylor, who informed him they had a place under government to dispose of. He informed the Chancellor of the Exchequer of it, who sent for the Solicitor to the Treasury, and desired him to go with the gentleman, and make an advance of any sum that might be required, to endeavour to find out if any such practices did exist, so as to fix them with a prosecution. They had accordingly proceeded, and a sum had been agreed on, which was deposited, and by the advice of the Attorney and Solicitor General, Coleman and Taylor, and a Mrs. Harvey, were indicted; there was also a banker.

Mr. Alderman *Combe* thought the right hon. gent. should mention the banker's name.

The *Chancellor of the Exchequer* said, he did not exactly recollect it, and might therefore, by giving a wrong name, do more harm than good.

[Campaign in Spain.] Mr. *Ponsonby* rose, and spoke to the following effect:—I rise, Mr. Speaker, pursuant to notice, for the purpose of moving an inquiry upon a subject, as important to the honour, the fame, and the interest of England, as any that has ever been agitated in this house. If I had given no notice whatever of the discussion, the considerations I have mentioned must serve peculiarly and immediately to call your attention to the question. When the Spanish insurrection, as it has been called, I mean the resistance of the Spanish nation to the attempts of France to subjugate that people, was known in this country, the minds of all men were engaged in contemplating its character, and a prospect seemed to present itself, that means might arise out of it calculated to serve Spain, to serve this country, and to serve the world, by making a stand against the immensely growing power of France. Such an event naturally attracted the consideration, and excited the interest of all classes of the community. It called, in a most particular manner, for the attention and inquiry of those by whom our government was administered, and never perhaps did any government, upon any occasion, meet with a more general and unfeigned desire on the part of the people to second that course which it might be found expedient to pursue in aid of the Spanish cause. All power and all principle seemed devoted to that object. The feelings of the public ran before the wishes of the minister. He had only to command, and every Englishman was forward to obey. If consulted one by one, there was universally to be found a disposition to sacrifice, a resolution to act, and a promptitude to determine in favour of the Spanish insurgents. Ministers had only to consider, and inquire as to the best means of directing and rendering effective this ardent and unanimous feeling. With them it rested to consider the nature and tendency of the insurrection, and in what manner it was possible to promote its object. With them it rested—to them the duty, in a most imperative manner, belonged, of examining the state of Spain, and of ascertaining how far it was practicable, with the resources they possessed, to give effectual assistance to that country. The circumstances of England and of Europe forcibly demanded this examination; because it must have been felt, that upon their interference would depend the most important consequences—either the depression, or the aggrandizement of the power of France. All the great powers of the continent were at the time in a state of comparative humiliation, owing to the inordinate power and over-bearing influence and authority of the enemy. England alone was still able to defy his power; and it most materially behoved those to whose direction the resources of England were committed, to take care at least that they should be so employed, that, if the termination of the contest should be disadvantageous to Spain, it should not risk the character or endanger the safety of England, as upon that safety rested the fate of the world. In this country alone was to be found the power, the spirit, and the determination to maintain resistance to France. Austria having been plunged into the third Coalition, against the opinion of its ablest advisers, was merely struggling to preserve the strength which her conqueror and our enemy had permitted to survive his victories, Prussia subsisted upon his courtesy, and Russia had embraced his counsels. No where did an army present itself that was not acting under his standard, or inactive through a dread of his attack. The world was divided between England and France, all the powers of the continent being the vassals or the allies of the enemy. Under such circumstances a spirit of resistance was displayed in that country, where least of all it was to be expected. In that country which had for a series of years been the active ally, or submissive dependent of France, a resolution was manifested to shake off the yoke of French domination. As soon as the resolution was formed, application was made to this country for assistance. Just before the conclusion of the last session the subject was brought under the consideration of this house. No one was willing to damp the spirit that was responsive to that application, provided a compliance with it could promise any successful result. But every reflecting man recommended consideration. Ministers, however, took their own course, and we have witnessed the consequence. No statement of any information received from Spain was laid before parliament. The session was closed before any deliberate opinion could be formed upon the subject, every thing was left to the discretion of ministers. Parliament had no opportunity of interfering, the ministers were furnished with all the aids they could desire from the hearts, the purses, the arms of the country. Every guinea they required was most cheerfully granted; they had a vote of credit to the utmost limit of their request; there appeared but one mind, one feeling, and one sentiment on the part of parliament and the country in favour of Spain, no other wish existed but that which was calculated to give effect to the operation of ministers, party spirit was quite sunk throughout this country upon that occasion; and indeed in every part of the empire the public voice was loud and ardent in desiring that all the whole power of England should be put in motion, if necessary, and at all likely to be effectual in repelling the advances of the enemy, and promoting the liberty of Spain. Such was the pulse of the country which ministers had to direct. But it became their duty to direct it with judgment and efficiency. Standing upon an eminence, it was for them carefully to survey the prospects before them. It was for them to examine, with precision and accuracy, all the means in their reach to employ, and how far those means were adequate to the ends in view. Before they attempted to involve the country in the contest alluded to, before they ventured so to engage its wealth and its power, they should have taken care to make this examination, and, above all, to ascertain the real state of Spain. The first object, therefore, that claimed their consideration was, the employment of proper persons to inquire into that state; and for that purpose they should have sent some men of the highest capacity to that country, men well acquainted with both military and civil affairs, men competent not only to assist the counsels of a cabinet, but to direct the operations of an army. Many such men could, no doubt, be found in this country. The occasion was of a nature to call for the employment of men of this description. It could not be supposed, whatever the spirit of the Spaniards might be, that that spirit could succeed in effectually resisting the power of France, unless it was directed with the utmost ability; and we ought to have availed ourselves of the opportunity to send that description of ability to Spain. I know not the character of those agents whom ministers thought proper to employ in this mission, nor do I mean to speak disrespectfully of their merits; but I cannot find their names among those who are distinguished for any exploits or for any experience, either of a military or a civil description. I understand that they are all young men, and not likely to possess the experience and capacity of observation which are necessary to form a correct judgment upon such an important concern. Ministers should have been aware of the responsibility attached to their office, and cautious upon what representations they acted. They should have been alive to the reflection, that in their hands were placed the means not only of assisting Spain, but of defending England; that they were not only to consider the prospects of Spain, but of their own country; that, called upon to administer the affairs of a nation involved in an arduous contest, the duration of which no man could calculate, they should not unadvisedly risk the means of that nation; that they should not send out its arms or its money, unless where effectual resisistance could be made to the enemy. It was therefore peculiarly incumbent upon ministers to employ the utmost talents and industry, for the purpose of enabling themselves to judge of the temper, the resolution, and the ability of the Spaniards. What was the spirit of the people, what the internal condition of the country, what the state of its parts, what its resources, both military and naval, what, in a word, the means upon which we could calculate for success in pursuit of the common object? Ministers could not have been insensible to this reflection, that, great as our power confessedly is and has been at sea, the whole disposable force of their country could not alone make any effectual stand in the Spanish cause, or justify any hope of a successful result in a contest against the stupendous military means of France. It was therefore essentially necessary to know fully the nature and amount of the co-operation which they could rely upon meeting in Spain. With this view, they should not have sent young men of eager, sanguine, enthusiastic disposition; but they should have sent men of experience, of observant, cultivated, and discriminating minds, men not likely to be influenced by false appearances, but capable of deciding upon the soundness of principles and real character. It was not sufficient to know, that monks could excite some of the poorer and more ignorant of the people to insurrection, and that, when so excited, they evinced great enthusiasm; the disposition and views of the upper classes, who, from their rank and property, possess a natural influence in any country, ought to have been known. But above all, inquiry should have been carefully made as to the inclination of the middle class, which is the great bond and cement of connection between the higher and the lower orders in every country; whether we should be likely to meet in that class a cordial spirit of co-operation, and what the force of that co-operation would be. An inquiry of this nature should have been gone through before ministers had resolved to commit the country, or at least before they had ventured to send an army to Spain. In pursuing this inquiry, they could have collected from history some information that was well worthy of their attention. So far as history goes, they could not find much to encourage any very sanguine reliance upon the character of the Spaniards for cordial or active co-operation in such a contest. I am not disposed to speak disrespectfully of the Spaniards, but history does not represent them as a people remarkable for that daring, enthusiastic, high-spirited disposition which prompts and qualifies men to make a great struggle for liberty and independence. The manner, indeed, in which they surrendered their liberty, would not justify any reliance upon their spirit; and their conduct during the War of the Succession evinced neither spirit nor principle. The upper classes particularly, upon that occasion, were found to betray a great dereliction of public principle, and a great want of public duty. They were perpetually fluctuating between Charles and Philip, according as victory and the prospect of ultimate success appeared to incline to either. It is impossible that confidence could attach to such a description of people; and what evidence have we had since of any material change in their character? The most powerful principles to excite mankind have uniformly been Religion and Liberty; and have either been found materially to operate upon the recent movements of the Spanish people? Upon the principle of religion the greatest conquerors have set out and acted. It has been found to excite the inherent spirit of heroism. But the greatest effects have been produced by the influence of the two principles united. That union, even in small countries, has operated the most important consequences. We have heard of this operation in some of the smaller states of Germany, in Holland, and in England also. What has been the influence of these principles in this country, when they engendered and promoted the resolution of our ancestors, to remedy abuses, to correct errors, and to destroy superstition? Exactly the same was the resolution which they produced in Holland when she rose in resistance to the power of Spain; and the same effect will spring from them wherever they exist. These, indeed, are the only principles which have ever served to excite the noble daring, the heroic resolution, to conquer or to die; to seek victory or death. It was necessary, therefore, to inquire, whether the Spaniards were actuated by both, or by either of those great principles, with a view to calculate upon the probability of their success in the field. If they were not animated by the resolution which enabled Holland and England to conquer; if they did not entertain some hope or wish for improvement of situation, what motive could induce any confidence in their energy, or zeal, or perseverance; and if they were not sensible of this necessity, and desirous of the attainment of an improved situation, how could any reflecting man look for energy, zeal, or perseverance among them! When I talk of improving the situation of the Spaniards, let me not be misinterpreted. I do not desire that they, or any people, should become wild or mad, and that they should destroy society itself in order to improve its condition; that in order to remove abuses they should tear away all their ancient institutions; that in order to reform religion they should destroy Christianity itself; but I do say, while the inquisition existed, that, if the Spaniards were not sensible of the multitude of abuses which pressed upon them, if they felt not a wish to reform abuses, and to restore their rights, and were not willing, for that reformation and restriction, to encounter all the dangers and endure all the difficulties inseparable to the species of warfare in which they were engaged; I say, that if this people were not actuated by the wish for, and encouraged by the hope of, an improved condition, it was impossible for any statesman, for any man of common sense, to suppose that they would fight with success. I would not be understood to intimate that ministers ought to have dictated any thing relative to improvement to the Spaniards, or that any dictatorial tone should have been assumed. What I mean to say is this, that if the Spaniards were insensible of the cause of their degradation, and indifferent as to its removal, it was in vain for England to calculate upon materially exciting the spirit, or effectually aiding the exertion of such a people. What, I would ask, would be the situation of England itself at this hour, if the domineering establishment of the priesthood had not been removed, if the baneful effects of the feudal system had not ceased to exist, and if a liberal system of equal laws had not been established, which secures every man the property of his own labour; which excites industry by guarding its produce; which encourages genius by rewarding its exertion; which constitutes the happiness, the glory, the fame, and the consequence of this great nation? With such a picture in our contemplation, how was it possible to suppose that the Spaniards could make a glorious struggle, could submit to severe privations, could act greatly, under the influence of the Inquisition, and with no hope of bettering their condition? What information ministers may have received upon these topics I know not; I am in perfect ignorance; and it is not a little extraordinary, that from the commencement to the termination of the contest by the expulsion of our army from Spain, the people of this country knew less of the real state of things, than in any former war in which this country had ever been engaged. When the emperor of France was carrying on war in the hereditary states of Austria, in Poland, and in Prussia, we had more information respecting his operations, than we had, when he was fighting against a British army in Spain, and even at a time when almost the whole of the ports of Spain were in our power. I appeal to any man, whether it be not true that the people of this country were more ignorant of what was going on in Spain, than they were of the progress of the Austrian, Prussian, or Russian campaign? What may have been the extent of information received by ministers it is impossible for me to know; but I must insist, that they should have taken all practicable means to ascertain the real disposition of the Spanish people; what lengths all classes amongst them were inclined to go, and how much they were disposed to endure in the prosecution of the contest, before they should have committed in the heart of Spain, what was intrusted to them by parliament, the greatest British army that had ever been employed upon the continent of Europe, I mean that which was under the command of the late sir John Moore. The first step which his majesty's ministers took in this campaign was the dispatching of sir Arthur Wellesley, with the force which had been assembled at Cork, to Spain. But though it must appear to any person who reads superficially the Instructions of the noble lord (Castlereagh) to that gallant general upon the occasion, which are contained in his letters of the 30th of June, that he was left at liberty to act according to his own discretion in consequence of any information he might receive upon the coast of Spain; yet it is also obvious that in fact that discretion was taken away from him by the Instructions of the 15th of July, and that the expedition to the Tagus was fixed on by the noble lord as that by which hostilities were to begin. When the gallant general arrived upon the coast of Spain, he thought proper to apply to the Junta of Gallicia and of the Asturias for information. By the former he was told, (I speak from his own words, uttered upon a late debate) that they did not want men to be sent into Gallicia; that they considered the expedition to Portugal, and the dislodgment of the French from that quarter, as an object more desirable for them than to have the British army sent into their own country. The gallant general had at the same time admitted, that the Junta of Asturias at Oviedo had been desirous of having the co-operation of the British army in that province with a view to the expulsion of the French from St. Andero: whilst he explicitly declared, that, in his own opinion, the presence of the British army in Spain was at that time indispensably necessary, in order to connect the Spaniards among themselves, in order to induce a co-operation which otherwise could not exist, to effect a communication between the northern and southern forces, and had assigned that as a reason for concluding the Armistice and the Convention. But when the gallant general went to Portugal, the plan of the campaign was decided; there was no longer any room for deliberation; there was no longer any room to act upon any information that might be received with regard to Spain. After the noble lord had directed his force to the Tagus, it became impossible to apply any force in favour of Spain until that expedition was in some way or other concluded. I do not mean, I am sure, to revive the debate which has already taken place with regard to the transactions in Portugal. It is a subject fresh in the recollection of the house, and there is nothing to induce me to renew it (Hear! hear!)—After the Convention in Portugal was concluded, the British force, consisting of 30,000 men, was a disposable force, to be applied as his majesty's ministers thought proper. Upon the 30th August the Convention was signed, and the campaign in Portugal was then at an end. I desire, then, to know why it was that such a length of time elapsed between the conclusion of the Convention of Cintra, and the 16th day of October, when sir John Moore proceeded on his march from Portugal for Spain (Hear! hear!). The gallant general (sir A. Wellesley), although he obeyed the noble lord, did it under the conviction of the absolute necessity of a British army entering Spain; the Spaniards themselves declared that necessity; he agreed with them, as he saw they wanted the British army to form a connection between the different armies as a great bond of union, cement, and co-operation. I desire then to know why, between those two periods, no steps were taken to move the force of sir J. Moore to the assistance of the Spaniards. Upon the 13th of October, sir David Baird arrived at Corunna, with a force inferior to that of sir John Moore, but intended for conjunction and co-operation with him; and, as appears from the Papers before the house, not for the purpose of separate action. It was not until the 27th of October that his army was disembarked at Corunna. Up to the 27th of Sept., I have heard it said, that none of the Juntas could be called the Supreme Junta, but that upon that day the Central Supreme Junta was installed at Madrid, and yet it was said to have been necessary to wait from the 13th of October to the 27th of that month, until that army could obtain permission from the Supreme Junta to land in the North of Spain. I desire to know, if none of the agents of the ministers in Spain had informed our general of what was going on in that country, and of the time when it was necessary that the army should assume its situation and exercise its functions. It does not appear that they had any person called an accredited minister or ambassador in that country, until Mr. Frere was sent, and he, too, does not appear to have arrived at Madrid until the 7th of Nov. Ought not such a communication at least to have been kept up with the executive body, as that the general arriving with the force could know whether the Spaniards would receive them or not? and how was it to be accounted for, that so much time elapsed before any information could be obtained by sir David Baird, when he reached Corunna, as to whether he would be received as a friend by those whom he went to assist? I do not mean to insinuate any disparagement of Mr. Frere, and I do not wish to detract from his merits, which may be as great as those of any man whatever in his majesty's service, in his official duty, but in my humble opinion Mr. Frere was not the proper person to be sent to Spain (Hear! hear! hear!). A military man was the proper person to be sent to that country. It was essentially a military appointment, or it was nothing. If the whole population of the country was not disposed to take up arms in its own defence, and ready to be organized by the then existing government in order to act with us against France, I say there was no chance of success in Spain, nor would it have been safe for us to employ a military force in its defence.—I say, therefore, that the proper person to be sent upon that occasion was a military, and not a civil officer. But, as I before stated, sir John Moore moved for Spain, on the 16th of October; on the 8th of Nov., he reached Salamanca, and on the 14th was followed and joined by most part of his army, which indeed, upon that day, may be considered as having been assembled at that place. It may be for the house to consider how he was employed all this time. The force, which the Emperor of the French had originally sent to Spain and Portugal, had been found inadequate for his purposes; the surrender of Dupont had weakened it, and broken the connection between its different parts, so that in short, all the remnant of that French force, retiring towards the extremities of Spain, was found concentrated in Navarre. The emperor of the French himself had not, at that time, a sufficient force immediately disposable to enable him to accomplish his purpose, and he found it incumbent upon him to withdraw from the banks of the Danube and the Vistula, from Germany, Prussia, and Poland, those troops which had been engaged in the Polish campaign. The distance they had to march was prodigious, and they had no maritime means, such as this country possessed, to enable them to move with that expedition and celerity which the urgency of the occasion rendered unnecessary. They lost no time, however, in marching forward to join and co-operate with their companions in arms in the interior of Spain. The French emperor himself, too, quitted his capital to meet the emperor of Russia at Erfurth, and no sooner were the matters to be concerted between them adjusted, than he returned and declared to his Legislative Body, the Senate, his intention to proceed to crown his brother at Madrid, and to complete the subjugation of Spain. On the 5th of November Buonaparté arrived in Spain, nine days before the British army had reached Salamanca, and placed himself at the head of that army which had come from the shores of the Danube and the Vistula. What was the cause of the feebleness of the one power, compared with the energy and activity of the other? I desire to know, why the most effectual means were not taken to secure the immediate junction and co-operation of our forces with those of Spain? It is well known that this country cannot furnish a military force at all equal, in point of number, to the military force of France, and therefore it appears the more necessary that when you are to employ your force against her, that force should be kept as much united and concentrated as possible, so that it should be found in one compact consolidated body, not broken into fragments, nor scattered here and there, in a detached and divided state. His majesty's ministers should at least attempt to secure success by means of an easy junction of our armies previous to their being met by the enemy. What were the consequences of the different plans of action observed by the English, and the French governments? The gallant general has told us, that he considered the presence of the British army necessary to keep up an union and co-operation of the Spanish forces; he communicated, I presume, that opinion to his majesty's ministers; no one can question it; he is an officer of too much military judgment and experience to have with-held from ministers the knowledge of that which was the most important point, perhaps, of any for the success of the reinforcements sent from this country. If he were conscious of that, he must also have known that the sooner that army arrived on the theatre of action, the more chance was there of success, and the later the more likely was it to be defeated. Yet, strange to tell, the army of Romana and Blake, together with the army of Estremadura, were defeated before the army under sir John Moore arrived at Salamanca. On the 10th of November the united army of Leon and Estremadura was defeated and dispersed at Burgos; on the 12th Blake's army shared the same fate at Espinosa after having been previously defeated at Reynosa; and it was not till the 14th of November that sir John Moore's army arrived at Salamanca. What were the views of the English army, but to produce union and co-operation amongst the Spaniards? and was this to be effected after their armies had been defeated, so as that nothing was left when the English army advanced from Salamanca? What did your army do? In what situation did sir David Baird find himself, in order to effect his junction with sir John Moore? He found nothing but a total inability to make a forward movement at the time when it was landed. I have heard that so destitute was it in some respects, when permitted to land upon the Spanish coast, that sir David Baird had not even money enough to defray the necessary expenses of the army. That in sending an expedition by sea, it may be liable to some accidents in regard to the ships that convey your ordnance and ammunition, I will admit; but that you should send an officer with a force under his command, without even a few casks of money to purchase provisions and procure the ordinary necessaries, I scarcely could have believed possible. I have heard, however, and upon unquestionable authority, that that gallant officer had not even money enough to obtain a supply of necessary provisions, but was compelled to have recourse to obtaining that credit from private individuals, which government had neglected to afford him. The campaign went on therefore, as might have been expected: after the destruction of the Spanish armies, I have mentioned, it was not difficult to conceive that the defeat of the army under Castanos, called the Army of the Centre, was very soon to follow; and accordingly, on the 23d of November, it suffered a defeat. Thus, sir, those three armies which we are to presume were ready to unite with ours, were severally overcome by the power of France; whereas, if the army of England had been ready to effect a junction, at an earlier period of the campaign, the French army might have been defeated and saved the trouble of those few forced marches, which, as Buonaparté says, it cost them to destroy the Spanish armies. These armies being beaten in the field, nothing remained to the Spaniards but to defend the pass of the Sierra, but there, too, a defeat was sustained, and on the 30th of November it was forced. All this time not a single British soldier had appeared in action against the French. Celerity of movement, quickness, dispatch, and promptitude of action, appear to have been the only things that seemed necessary to the gallant general; and yet, from what causes I know not, but from some causes hitherto unexplained, no British force found its way into Spain, until all the Spanish armies had been overthrown, and Madrid had again capitulated to Buonaparté (Hear! hear!). Do not these circumstances demand inquiry? Is it not necessary to know why the character of this country has been lowered by our conduct in Spain? Is it not necessary to know why our force was of no use to our allies, no injury to our enemies, and that it could effect nothing, but ruin its own military character notwithstanding its superior bravery and intrepidity? In this situation sir John Moore found himself in the month of December. But it appears that it had been the intention both of sir David Baird and sir John Moore to retreat as soon as they learnt of the surrender of Madrid and the defeat of Castanos, for it was evidently imprudent to keep the field against such a force as the French emperor could then bring against them. Orders, as I have been informed, were actually issued for that retreat, and fortunate I think it would have been had those orders been persevered in, and that retreat commenced at that particular time, if it could have been effected without injury to those brave troops that composed our army. The opinion, however, of the Commander in Chief again changed, and I desire to know what were the causes that produced the change (Hear! hear!). Why, after the capitulation of Madrid, and the advance of Buonaparté as victor, that retreat was not adopted? I think the house will desire this information. Was this spontaneous interference of the general himself, or was it the official interference of the government at home? I have heard that sir John Moore did receive dispatches from the Supreme Junta, and from Mr. Frere, urging him to advance. I have heard he received representations from Mr. Frere of the great strength of the Spaniards in the south of Spain, and that if he would attack the enemy in the north, the Spanish cause, then almost lost, might still be retrieved. I have heard that it was urged to sir John Moore repeatedly, that he should advance. I can conceive that this is true, but still our general ignorance demands an inquiry into the veracity of these reports. On the 21st of December sir John Moore arrived at Sahagun, and on the 22d of December the emperor of the French left Madrid with a great force to attack him. On the 24th of that month, such were the effects of this last movement from Madrid, that sir John Moore felt it necessary to retreat again, and under such circumstances too, that if he had remained for 24 hours longer, and engaged marshal Soult's corps, it was almost next to certainty that not a single soldier of his army could have returned home. I state this upon the authority of officers with whom I have conversed, who gave it me as their opinion, that if the British army had engaged with marshal Soult, it never could have effected its retreat as it did.—Sir, in order to account for these proceedings, it is necessary that this house should institute the fullest inquiry; it is necessary to know in what situation sir David Baird and sir John Moore found that country, when they advanced into it; whether that enthusiastic spirit which could alone have saved the Spaniards from destruction, actually existed; it is necessary to know whether they were willing and cordial in their assistance to the English army; whether they received them as deliverers, or as their guests, with love, or with jealousy and fear, and to ascertain what the British army had to rely upon, when they found themselves in the presence of a great hostile army. We must necessarily institute this inquiry, in order to determine whether it was wise or not for his majesty's ministers thus to hazard, in the heart of Spain, one of the best armies that has ever been sent out of this country. It is necessary to know what military force sir John Moore found to co-operate and unite with him, and whether he found any thing in the field of battle, except the British and the French soldiers. Perhaps it may be said by ministers, that the Spaniards did not discover all that cordiality and co-operation with us in the cause in which we were mutually engaged, that was expected. Can it be proper, or can it be admitted, that ministers shall say this after they have involved the country in such a ruinous, unproductive, and inglorious struggle? The retreat under these most inauspicious circumstances commenced, and what was the consequence of that retreat? In that retreat you lost all your ammunition, all your magazines, above 5,000 horses, and I fear, a much greater number of men, than the gallant general opposite (gen. Stewart) thought proper to state to the house, when he said that they amounted only to between 4,000 and 5,000 (Hear!). Our loss was great in consequence of that disastrous retreat, commenced under circumstances, which shew, that, had we trusted to the prudence of the commander, it might have been avoided. Is it not true that a retreat had been previously ordered; that an advance was made; and that a retreat was again commanded to be made? and is it not necessary for us to inquire whether this was owing to the misconduct of those at the head of the army, or of those at the head of his majesty's councils?—Deeply as we must lament the loss of those gallant officers and soldiers who have fallen upon this occasion, and deeply as we may lament the success of the enemy, it is not, perhaps, so necessary in the eyes of Englishmen, as it may be in regard to the continental powers, to free ourselves from that injurious opinion as to our military character, which must float in their minds from these transactions. Do not let us forget this, that, although we have obtained glory and renown, for our military bravery, England has for ever lost its fame and character, as a military nation. Were you to propose to send your soldiers again, as an encouragement and an aid to other foreign powers, upon any future occasion, what would be the answer? It would be, "No! No! your troops are good and brave; your officers are skilful, intelligent, and courageous; but there is something in the councils of England, or in the nature and manner of the application of her force, that renders it impossible ever to place any reliance upon her military assistance." We have seen already what passed in the last war with France. When you appeared in Holland and Germany as auxilaries, you failed in your efforts; but true it is, that your force in these cases was comparatively small and the question remained undecided; the problem is solved however, by what has lately passed in Spain. You professed to send forth the largest army that ever went from England, for the purpose of meeting the force of France; and what has been the result? It has been nothing but a shameful retreat before the armies of France, and a disgraceful desertion of the power you anxiously wished to assist. Never can we rely again upon the confidence of any power of the continent in our military exertions, however much they and ourselves may rely on our maritime efforts. This campaign, I say, will have an influence upon the character of England long after all of us shall cease to live. The noble lord (Castlereagh) observed in a former debate, that it would have been absurd to think of stopping the passes of the Pyrenees, and preventing the French from sending reinforcements into Spain, as there were no less than forty-three passes by which the French could enter Spain. But if a British army landed at St. Andero could be of no avail for that object, if the French could not, by any efforts on our part, have been shut out from Spain, I would ask the noble lord, whether that was not a good reason why a British army should not have been sent into Spain at all? For any amount of force this country could send thither could not contend against the 4 or 500,000 men whom Buonaparté could pour into that country from France. The noble lord had called this a Pyrenean campaign, but, though I do not presume to decide upon the subject, I must say, that the best informed persons were of opinion that the north of Spain was the most eligible point for the debarkation and first operations of the British army. The French force, in Navarre, at the outset, was not more than between 40 and 50,000, and if the Spaniards, as they themselves told you, were not able to drive that force out of their territory, how was it possible that you could beat the 3 or 400,000 men which the French might afterwards have sent to meet you in that country? I have conversed with no military man upon the subject, who has not declared that from the beginning, it was vain and idle to hope for ultimate success in such a contest. If this vast force of France could not be kept out of Spain, I desire to know why sir John Moore's army should have been so endangered by the imprudent advance that was made. Was it merely that you could not bear the danger of death, that this most harrassing of all retreats that ever was accomplished, took place? Was your character so degraded, that it was necessary we should attempt to raise it by such destructive means, in the eyes of the world? We never, I believe, have met the French upon equal footing, that we have not invariably shewn our superiority. Are not the recollections of Maida, and of Egypt, sufficient to convince you and the world, of the truth of this assertion? Do not these circumstances, therefore, deserve inquiry? Is it not necessary to know how ministers have conducted themselves in this expedition to the continent, to know on what principles they have proceeded in a contest in which you entered with so much hope, with so much heart and expectation? a contest in which every man almost implicitly relied upon raising the power of England, reducing the aggrandizement of France, and delivering Europe from the grasp of French tyranny? Alas! how have these hopes been blasted, how grievously have our troops suffered in their vain exertions, and howmuch have ministers involved the whole transaction in darkness, and obscurity. Is it not necessary to know why your army was exposed to danger, and at the same time to produce nothing that was good or advantageous to the country? The soldier should always be prepared to die in his country's cause, and I doubt not that British soldiers are particularly impressed with that feeling; but is it thence to be inferred that you are unnecessarily to expose them to dangers, and to fruitless efforts, so as to bring ruin on themselves, and disgrace upon the nation? Other plans of campaign, I know, have been mentioned, which in the opinion of some were likely to have been attended with great success; and these are the employing of the troops of England for the purpose of garrisoning some of the strong posts on the continent, and particularly upon the sea coast of Spain. I presume not to offer any opinion upon that subject; but I believe that that would not have given us great benefit. The Spaniards have shewn towards us great jealousy. At Cadiz our reception was not flattering; and at Ferrol, not an effort was made in our favour. I have heard, but I cannot vouch for the truth of the report, that even the force which you sent a short time ago, from Lisbon to Cadiz, has not been permitted to enter the harbour. I have heard this from an authority which I deem good, and I shall continue to believe it until it be contradicted. I ask the house then to institute an inquiry for the purpose of discovering what have been the motives that led ministers so to dispose of the force of the country on a service at first so full of confidence, and now so full of doubt and uncertainty as to lead to the belief that the cause of Spain is desperate. I call upon the country to seek for this inquiry, in order to shew how much distress, difficulties, dangers, and perils unexampled, our gallant soldiers have endured in this fruitless and inglorious struggle. Is there an Englishman that could have seen the exertions of such troops, and not rejoice in them? Is there a peasant in the bleakest mountains of Scotland, or in the barren bogs of Ireland, who is not proud of their conduct, and desirous of emulating their example, and of displaying equal courage and intrepidity? I aver that all possess the same energy and courageous sentiments, and that all are equally ready to imitate their example, and employ their exertions in their country's cause, but the more especially if they could be convinced that their exertions will be judiciously and prudently applied. I call upon you, by the gratitude you owe to those who were thus shamefully sacrificed at Corunna, by that which you owe to their companions in arms, who are still in existence, and able and willing to defend their country, or to be employed upon any service; I call upon you by the interest you must take in those who yet remain, to institute this inquiry, in order that they may not be sacrificed by a similar misconduct, upon a future occasion (Hear! hear!). I call upon you, as you value the glory of our country, the preservation of our future power and reputation, as well as our interest, by every thing that can excite the exertions of brave men, to institute this investigation for the satisfaction of all. The proposition I make to the house is not for this or that mode of inquiry. I care not whether you do it by a secret, a select committee, or a committee of the whole house, for either of these will satisfy me, and will gain the object which the country must have in view." The right honourable gentleman then concluded by moving, "That it is indispensably necessary that this house should inquire into the causes, conduct, and events of the late campaign in Spain."

Lord *Castlereagh* hoped, that the house would indulge him, while he should endeavour shortly to detail to the house the reasons by which he was induced to negative the motion of the right hon. gent. He must, however, in justice to himself, declare, that he would be the last person in the house to persuade parliament not to enter into any proper or necessary inquiry for which just and reasonable grounds had been stated. Ignorance was rather a humiliating reason for any man to assign for such an inquiry; and if the right hon. mover had waited with a little patience, and accepted the proposal which he had made early in the session for laying proper documents before the house, perhaps he would have had some more substantial foundation whereupon to ground his motion. The right hon. gent. could not then well plead, that he felt it necessary to appeal to that house, on account of any reluctance on the part of his majesty's ministers to give him every information in their power. He could assert on his own behalf and on that of his colleagues, that they would not have made any objection to the production of all such information, as, consistently with their duty and a regard to the public interests, could be laid before the house, and however that information might afterwards be applied, it would afford a much better ground for going into the inquiry in a committee than the claim which had been made by the right hon. gent. on the bare shewing of his own ignorance. They had had already sufficient proof how far committees of the whole house went to impede the general business of the public, and it was not, therefore, upon such light grounds that the house ought to be induced to go into a committee of that description. The only reasons, that had been alledged for the Inquiry were reducible to the ignorance of the right hon. mover; and he did not think that that was, or had ever been pretended to be, a proper parliamentary ground for inquiry. But no doubt the right hon. gent. supposed he had his forces well marshalled, and in high discipline, and was therefore anxious to lead them forth to battle. As he could not bend to the cogency of this reason, he certainly should oppose the motion, though at the same time he declared, that had there been the slightest *prima facie* evidence to support it, he would have fully coincided in it, no matter upon what ministers might rest for their justification. If the result of the Campaign in Spain had not been as glorious, as had been so earnestly and so justly expected, owing either to the imperfect state of discipline of the Spanish armies, or to the want of sufficient time to complete that discipline, still he contended that there was no *prima facie* ground for attaching the blame of that failure to the misconduct of his majesty's ministers; and, even though he should admit to the right hon. gent., what was in itself so questionable, that the melancholy failure in Spain was in itself a *prima facie* ground of inquiry, yet he was prepared to contend that no blame could attach to the conduct of his majesty's ministers, should it even be conceded, that the arrival of the British army in Spain had taken place too late to prevent the failure, if his majesty's ministers could state to the house satisfactory causes for the delay. The British army was intended to act only as an auxiliary force in aid of the Spanish armies, and surely the British government was not to be blamed because the Spanish forces had not, unhappily, been able to hold out till the arrival of the military succours which were sent out to their assistance. The right hon. gent. ought certainly to have waited for a little information, and not attempted to drag parliament into an inquiry which would prove disgraceful to itself and distressing to the country. Ministers, he contended, were perfectly justified in not asking the opinion of parliament, last session, before it could have an opportunity of considerately forming it. Never was there a cause in which the feelings of the country more fully participated—in which aid was given on all hands more cheerfully. Indeed, if government could collect any clue from the country by which to guide their conduct, it would be completely in harmony with the opinion expressed by his majesty in his closing speech last session, in which he said assistance should be rendered to the Spaniards, as far as was consistent with the wishes and distinct policy of Spain, blended with no selfish views of our own partial interests. It had been said by the right hon. gent. that government ought to have waited to collect full information how far the spirit of liberty in the Spaniards went to the amelioration of their condition; how far the national feeling and public spirit of that country were such as to justify them in hazarding a British military force in aid of its cause. Now, how the hon. mover could reconcile this with his former admonition to speed and celerity, it was not indeed in his ingenuity to discover. As to the selection of characters necessary to give government their opinion as to the spirit of Spain, he would merely ask, would it be rational for them to listen to any man's opinion, before the formation of the Central Junta, which alone could be competent to decide upon the views of Spain; and were they to leave Spain and Portugal to their destinies till that event should have taken place? The only rational question was, whether it could be hoped that Spain, with our assistance, would be enabled to stand against France; and if this could be proved, government stood justified. He had heard that night the great power of France stated as a depressing circumstance; but that was rather an unfortunate argument for those who had constantly been vaunting the efforts of which an universal and determined people were capable. Spain had, indeed, made an energetic effort—she had borne up against the military power of France with more vigour, more constancy, and better success, than those powers, which had been supported by formidable regular armies; and if she had, in some degree, failed, it was rather hard and little worthy of the generous feelings of that house, to reproach her with it in the hour of her difficulties and the season of her distress. It had been held by many statesmen, that the efforts of a people themselves were whole equal to any efforts of regular military force, and certainly there never was a more energetic effort made by any people, than by those of Spain. It was there literally the cause of the people, and it came with a peculiarly bad grace from the other side of the house, when it was stated that the cause of the people was not sufficiently attested by the expression of popular sentiment, unless that sentiment be supported by the sanction of the higher classes. He was not disposed, perhaps, to attach all that weight to mere popular effort which some gentlemen were willing to ascribe to it, yet he thought that there had been many circumstances in the case of Spain to inspire a confident hope of its success.—It was known that the popular rising was the simultaneous effort of the whole country. It was not one province calling upon another and procuring assistance and co-operation by degrees, but the whole country rising at the same moment, to assert its rights and contend for its indepedence. Within, he believed, the space of five or six days, all the provinces had risen. But it was not barely this circumstance that afforded hope or encouraged confidence: it also appeared, that in the course of a very few months, they had collected an army in Andalusia, and obtained a distinct victory over the French, under Dupont, at the memorable Battle of Baylen, in which the Spanish army was little superior in point of numbers to the enemy. He could also state to the house, as a circumstance that proved the confidence of the Spaniards in their own strength, that when general Spencer applied to them to know whether he should come to their assistance, they stated that they confided in their own strength, and recommended his marching to the relief of Portugal. Nor was it merely to Andalusia they were to look; Saragossa presented also a picture of encouragement: nor had Leon been deficient, for at the battle of Rio Seco the enemy had by no means the advantage they boasted of; the Spaniards had, in fact, obtained decisive advantages, and would have effectually subdued the enemy, if they had had the benefit of cavalry to follow up their successes. Ministers were not to look only with a philosophical view to the constitution of Spain, but were to consider the army it could produce. What that army might be expected to do, if it had sufficient cavalry, could be easily inferred from what they had done, when in the course of two months it succeeded in driving 100,000 men from the provinces they had occupied, and confined them to the left bank of the Ebro.—As to whether the nature of the co-operation adopted by his majesty's ministers was the best that could be resorted to under all the circumstances, he was now to consider. There were two extreme opinions upon this subject, and one middle one; and the intermediate opinion having been adopted by his majesty's ministers, they were ready to rest their justification on their having made choice of that middle opinion. One of the two other opinions was, that if Spain was really animated by the spirit of pure patriotism; if she was in earnest in the great work of her own delivery, that she had the elements of her own salvation within herself; that she therefore did not want British soldiers to fight her battles; that she was sufficiently powerful as to men; and that our co-operation need go no further than supplies of arms, money, clothing, ammunition, and whatever other necessaries might be wanting. Than this opinion, he was free to confess he knew nothing more unwise. Nothing could have tended more effectually to confirm that reproach which had been dealt out by the enemy against us, than that we should not in this instance have taken an active part ourselves. It would have looked too, like that selfish policy with which we had been charged, if while we were urging and exhorting, by every means in our power, a people to defend themselves against a powerful enemy, if whilst we were lavish of our money and stores, we should yet decline to embark our best treasure in a cause which we affected to call glorious and to esteem invincible. There was another extreme more congenial to the feelings of this country, though not in his opinion more reconcilable with sound policy: it was, that there was no medium between a great effort, and the whole effort, and recommended that not a soldier should be kept at home. Without taking any notice of the effects that such a measure might produce at home, if in such a case our efforts should be attended with disaster (and disaster must in all cases be provided against) yet, putting the possibility of disaster out of the question, the thing would be in itself impracticable. There was a limit beyond which they could not go: in short, they must necessarily keep within the limits of the national credit, and there need no more be said in answer to this second opinion, than that it was impossible to act upon it. Then the question, to which they were come, was, whether the effort, which had been made by his majesty's ministers to co-operate with our allies in Spain, had been sufficient; and the assistance thus given would be best judged of by being considered in a three-fold relation: First, as to its extent; secondly, as to its course; and thirdly, as to its ability. In reference to its extent; when information had been first received by his majesty's ministers, that a supply of British troops was wished for to act in concert with the native armies in Spain, there were sent, exclusive of the 10,000 men liberated in the north of Europe under the command of the marquis Romana, no less a force than 45,000 or 50,000 men, nearly 50,000 rank and file into the Peninsula. Besides this army government had issued orders, that the forces in the Mediterranean should send out detachments to act in Catalonia, though subsequent circumstances interposed to prevent those detached troops from rendering that service, which it was then intended to employ them in. If, then, an army of 45,000 men be thought sufficiently considerable in its extent, the next question for the house to consider would be, did they give that army a proper direction; that army once in Portugal, did it from thence get a proper direction? He put the question this way, for he did not want to revive the debate upon the Convention, and therefore he should follow the example of the right hon. gent., and pass over that part. The right hon. gent was ready to admit, that the north of Spain was the best scene for our co-operation, but he assured the right hon. gent. he was not now going to the Pyrenees. He could conceive a man of common sense going to Saint Andero, but he could not conceive a man of sound sense, going to the Pyrenees. He was going merely to that question put by the right hon. gent., as to what could have detained the British army so long during the interval, previous to the 16th of October, the day on which they made their first movement on their march from Portugal to Spain. If the right hon. gent. had taken the information he (lord C.) had offered him, he could have been enabled to have answered his own question; but it was to be taken into consideration what was the difficulty of carrying an army beyond Corunna after the month of September. The port of Saint Andero might have been thought preferable; but that port was extremely small; and he put it to the house, in what situation an army would have been, with 40 or 50,000 French in the neighbourhood of Vittoria, that army but half equipped, and all the transports gone away.—As to the question respecting the delay, he had at an early period of the campaign in Portugal directed that a communication should be opened with the Spanish Generals on the subject of the co-operation of the British army in Spain. That communication had accordingly been opened with general Castanos, but the letter, acquainting him, with the circumstance, had not been received till after the conclusion of the Convention of Cintra. On the 4th Sept. lord Wm. Bentinck was sent to attend the Supreme Central Junta, which was installed at Aranjuez, on the 24th of the same month, in order to confer with them upon the subject. On the 25th of Sept. orders had been sent to sir Hew Dalrymple to move forward with his army towards the north of Spain; and on the same day sir David Baird received orders to embark for Ferrol or Corunna. It was not, however, till the 29th of September, that the first letter from lord Wm. Bentinck was written, containing the Answers of the Supreme Junta to certain Questions, which he had been directed to submit to them, as well with respect to the entrance of the British army into Spain, as in regard to the manner in which it should be employed there. The Answers thus received were, that the fate of Spain depended on an early co-operation of a British force; and to the second question, that which was most important in a military point of view, was, that they wished our forces to be concentrated as one British army; and general Castanos received orders to confer with lord Wm. Bentinck as to the best mode of carrying those wishes into effect. It was proposed that the army in Portugal should make for Burgos, by the route of Salamanca, and sir David Baird debark his troops at Corunna. This intelligence was received at Lisbon on the 8th of October; and here he was free to acknowledge that one of the lamented consequences of the Cintra Convention had been the occupation of the transports, which might perhaps have been otherwise employed; but by that Convention 20,000 tonnage of transports were engrossed in conveying to France 25,000 of French troops; but at the same time he wished it to be distinctly understood, that still there had been transports that might have served to convey our army by sea, to the northern provinces of Spain; but sir John Moore decided otherwise, and in making the very judicious decision that he had made, he was influenced by abstract reasons, not merely by any inconvenience arising out of the occupation of so large a tonnage of transports. Had he gone by sea to Corunna, he would have had to march his army through Gallicia, the poorest province in Spain, and the least calculated to supply an army that was to provide itself on its march. While the question respecting the operations of the British forces in Spain was pending at Madrid, the very same question was discussing in London, and it is not a little remarkable that the very same decision was agreed to, at the same time, in both places;—the marquis of Romana's opinion upon this subject was in writing, and was ready to be laid upon the table of the house. This was a circumstance of such strong and singular coincidence, that he left it to the consideration of gentlemen, if it did not carry with it in its coincidence a strong evidence of its propriety. It appeared then, that lord Wm. Bentinck's letter was dated the 29th of September, and on the 9th of the following month sir David Baird sailed; and again, that on the 17th of September we received the intelligence of the Convention of Cintra, and that on the 25th of the same month the Instructions were sent out for the army in Portugal to march. He could not see where ministers had been guilty of unnecessary delay.—As to that of the troops not being immediately permitted to land, he could only say, that from a prior and distant application made to his majesty's government for British troops on the part of the Juntas of Gallicia and Oviedo, ministers had a right to expect that no obstacle would have been thrown in the way of any troops they might have afterwards sent. Our troops under general Baird having sailed on the 9th of Oct. he (lord C.) had previously wrote a letter to general Broderick in Gallicia, acquainting him with the expeditions then going out, and requiring him to try every means to secure them accommodations on their landing, and provide for their continuing their march. This letter, though addressed to general Broderick, was, in case of his absence, to be opened by captain Kennedy. General Broderick was then in Gallicia with gen. Blake. Capt. Kennedy accordingly opened the letter, acted upon it, and acknowledged the receipt of it on the 1st of Oct. He (lord C.) wrote also to general Leith on the 30th of Oct. and to lord Wm. Bentinck, then on the frontiers of Leon. In consequence of these letters the necessary communications had been made to the respective Juntas, but he was sorry to say, that the Juntas had, in fact, neglected to act according to them. He did not wish to censure or complain of their conduct, but such was the fact. After the landing it was proposed to the marquis Romana to change the destination of his corps from Corunna, with which he complied, and there was then an army, including the Asturias and Blake's, and Romana's, of from 50 to 60,000 men.—The right hon. gent. had given way to an expression of surprize, that the movements of the British army should have been so slow, and those of the French comparatively so rapid: but the surprize of that right hon. gent. would probably cease when he recollected the difference between an army fully equipped and one not equipped;—between an army that can seize upon every thing on its way that can facilitate its march, whether provisions or carriages;—and an army that cannot have any such resource; and another consideration, too, not to be forgotten, was, that the roads in France, where the greater part of this expedition was manifested, were of a very superior quality to those of Portugal, through which our armies had to march. On the 14th of Nov. sir John Moore arrived at Salamanca, and never was an army, considering all the fatigues it had undergone, all the hardships sustained, all the difficulties surmounted, to be found in a more perfect state of discipline, or in better condition. He was joined by sir D. Baird on the Douro, and though the Spanish armies under Romana and that of Estramadura, had, prior to the arrival of sir John Moore, suffered severe reverses, still it was an unfair test of the general spirit of the people. They had at that period the most difficult task imposed upon them, that could devolve to a nation in such circumstances; it was at the same time to make head against a powerful enemy, and to make a government.—There was certainly one circumstance much to be regretted—that they did not put one person at the head of their army, so as to make it one great machine in the hands of some one powerful leader, and not have its force divided and broken down into small and insulated bodies. When gen. Moore arrived first at Salamanca, he had reason to expect that Buonaparté would have directed his force against the British troops, rather than against Madrid: and there was great reason to hope every thing from the spirit, which, according to gen. Hope's report, whose column had passed through Madrid, was prevalent in that city. They shewed every symptom of the greatest zeal and energy. He admitted that there was more languor in the northern provinces, but Castile had always been that part of Spain that had distinguished itself most in every patriotic ebullition. After the march of the army from Salamanca, the only object was to draw off the force of the enemy from pushing his conquests to the South, and surely never was a diversion more completely effected. It had left the whole south of Spain free, and given it a repose for six weeks or two months. When sir John Moore had suspended his retreat, his subsequent march to Sahagun and Saldanah was not proceeded upon on mere abstract grounds. Sir John Moore had received a letter, intercepted by a corps of cavalry, to which his hon. relative (gen. Stewart) belonged; the letter was Berthier's, promising reinforcements to Soult, but when he had got to Sahagun, and discovered that Buonaparté was bearing down on him from Madrid, he then had no option but to retire on Astorga, at the same time that he felt no doubt, that if he could have come upon Soult, the result would have been worthy of his great character.—He could not conclude without adverting to that part of the right hon. gent.'s speech, that seemed to imply that our losses in Spain had been more than what had been stated by his hon. relation; he believed that statement would be found to be correct; as to the artillery, he denied that the French got a single piece: what could not be carried off had been spiked; there was certainly a trifling escort with a few pieces of artillery on their way to Romana's army; this he apprehended had fallen into their hands, and it was of those they had so vaunted. He ridiculed the notion of our military character being lost in consequence of the late reverses, and asked if the *disgraces* of Vimiera and Corunna were to be blotted from the memories of Englishmen? If, however, they were anxious for inquiry, they might go into a Committee that would occupy them three months; but nothing was a greater mistake, than the supposition that those who called for inquiry, meant that they wanted information (Hear!). He left it with confidence to the house to say, whether any case had been made out to justify the motion of the right hon. gent.; and where no case was made out no enquiry could be called for.

Mr. *Tierney* observed, that there never was a speech which called so much for animadversion as that which the noble lord had just closed. The noble lord said that there was no *prima facie* case against ministers. There were, however, few men in England who would agree with him in that opinion; there would not one, he believed, be found to agree with the noble lord, if the whole country were to be polled over. The *prima facie* case was this; that England had sent out to Spain an army of 53,000 men, and that they had returned again under the fire of the French cannon! What had this army done in the peninsula that had not been undone? If he had eloquence sufficient, he might describe in glowing terms the victories of sir A. Wellesley in Portugal; but the *prima facie* case was, that, owing to the councils of ministers, all that he and others had done was in vain; and that we had no hopes of maintaining ourselves in Portugal, except it was the good pleasure of Buonaparté to leave it in our possession; for he presumed the noble lord would not venture to state that Buonaparté might not, if he pleased, be now in as complete possession of Portugal as he was twelve months ago. After all the promises of the noble lord, and the mighty hopes that were held out, the little *prima facie* case that remained was this, that the almost unparalleled bravery of our troops had not been able to save the country from disgrace (loud cries of no! no! and hear! hear! from the ministerial benches). He could not be understood to mean that any slur attached to the army or its officers. But this cheer was truly kind now; for never had he heard any speech from a secretary of state so little cheered as those which the noble lord had delivered on the present and on a former occasion (a laugh and cries of hear! hear!). Our failures were not owing to the army, but to the military councils which his majesty, unfortunately for the country, had chosen. And while he paid the truest tribute of applause to the bravery and skill of the former, he could not look at the imbecility of the latter without indignation and contempt. If he were merely to state the case, it would bear him out in what he said. After all the boasting of the noble lord and his colleagues; after all the hardships to which our army had been exposed, the only triumph was, that we had got most of our troops back again! The noble lord, it must be confessed, was a man of a most singular disposition, for he was pleasant on this occasion; and what served to make others sad, made him merry (hear! hear!). The noble lord had talked of his right hon. friend's prudence in bringing forward this motion while he had his troops together. He sincerely wished the noble lord had followed that policy with regard to Spain, and brought the troops there to act in a body at a period when their exertions would have been availing.—The noble lord had said, that it was degrading to the house to go into a committee to enquire into this subject. Was it degrading to do that which almost every man in the country must feel to be the duty of the house of commons?—But then the noble lord said, "Why don't you wait for the Papers?" The reason was obvious, the motion was not a censure upon the government; what was called for was a Committee of Inquiry, and there the noble lord would have an opportunity of producing all the documents which he might think material for his own justification. To move for documents from day to day, as the noble lord proposed, could furnish no accurate information either to the house or the public; for after one set had been produced, another set might appear necessary, and so the matter might be protracted to the end of the session. What he wanted was *viva voce* evidence; he wanted to examine officers who had served under the gallant Moore, to learn what were his sentiments on the subject; he wanted to know how the troops had been equipped; what was the nature of the commissariat; and whether it was not so grossly ignorant of the method of supply that the army was starving in the midst of plenty? (Hear! hear!). The noble lord then came to details, and nothing, he said, could be done till the Supreme Government was constituted at Aranjuez, in September. But had not the noble lord the means of ascertaining what they might require by a previous communication with those, who, it was well known, would form part of that government? Might he not form some idea of what the wants of the Spaniards would be, and make his preparations accordingly? But the noble lord plainly said, that sir David Baird's troops were not ready till the end of September.—What a confession was this from the noble lord, who talked so much of vigour and promptitude, and of transports upon transports! But, he certainly did confess, that the troops were not ready to sail till the close of September, and, if this should appear to be the case, on inquiry, then the noble lord was culpable. Two years had not elapsed since a draft had been made from the militia of nearly 40,000 men, with a view to any contingency or emergency of this sort; but the noble lord said, that nothing could be done till October. On that point, he differed very much in opinion from the noble lord, as he might have known before what might be wanted to enable him to be in a state of forward preparation. Then the noble lord shifted the plan of the campaign from himself and his colleagues, upon the Junta of Spain, and general Moore, abroad; and upon the marquis Romana, and somebody else, not mentioned, at home. Nothing, he allowed, was more wise than to afford the Spaniards such a shelter to fall back upon in case of defeat, as that which would be furnished by the British army. But how had the noble lord set about this? General Baird was at Corunna, general Moore at Salamanca, and general Hope at Aranjuez, and the troops of all these generals thus formed a central army, which had to occupy the space of 300 miles (Hear! hear!). Now, though he confessed his ignorance of military affairs, in the exercise of mere common sense, he could not but think all this very extraordinary.—But supposing this mode of proceeding to be good, the question was whether, from the delays that had taken place, it was not madness to persevere in it? It was said, that it was in consequence of instructions from Morla, that the plan had been adopted, and that the army occupied these points. Morla was then War Secretary, and judging from what had since been learned respecting that person, it was likely that such had been the case. The consequence, however, of this arrangement had been, that no part of the British army arrived on the edge of the scene of action, until the 2d of December. On the 13th of October, after the arrival of gen. Baird at Corunna, an application was made by the Junta of Gallicia to the Supreme Junta, in consequence of the necessity of which general Baird was obliged to remain on board his ship till the 26th, when an order arrived to suffer his men to land by divisions of 2,000 at a time. And the landing was not completed till the 6th of November. When the army was landed, the general, as his right hon. friend had stated, wanted money, and was obliged to send somebody (col. Gordon he believed) to Lisbon, to procure a supply. He further believed that gen. Baird, when he got to Corunna, was without instructions as to his future proceedings. He got information, however, from sir John Moore, that he was to meet him. Now this might be wise in theory, but when the French patroles came up to the lines of these armies, common sense proved that the plan ought not to have been persevered in. Then, in what a situation was sir John Moore placed! he must have been utterly at a loss whether to assist sir David Baird, or gen. Hope; and there they were without any general plan till the 5th of Dec. when sir John Moore gave an order to advance, in consequence of being joined by the cavalry and artillery under gen. Hope, whom he believed to be one of the best officers in the service; and he might appeal to this very operation for the truth of this assertion. The French, however, during all this time, were not idle. They had got to Madrid: but to account for the rapidity of their movements, the noble lord said that they took every thing they wanted. And why did not we secure every thing we wanted? And the question was the more appropriate, inasmuch as we were in a friendly country; the French in a hostile one. All this called for inquiry; and the noble lord pointed to his documents. Suppose these were to implicate the ruling persons in Spain and Portugal, whom could the house summon for explanation? Could they call for the bishop of Oporto? (a laugh). Never was there such a course of abominable lies as had been circulated with respect to these transactions in the month of November. Buonaparté, it was said, and particularly by those most attached to the government, was utterly ruined; all his schemes had failed, and nothing was heard of but universal insurrection of the Spanish nation: It was said, that he was at last caught; that he had made a false move; that sir John Moore had got behind him, and that his destruction was inevitable. But to the noble lord's very great surprise, Buonaparté pushed forward to Madrid without stopping to attack our armies. But it did not appear very surprising, that Buonaparté, who wanted to get the crown of Spain for his brother, should push forward to the seat of government with as much dispatch as possible. The noble lord thought that Buonaparté had committed a great error in not waiting to attack our armies. But the object of Buonaparté was to drive us out of Spain; and he did not much risk that by securing another object, and the event was, that he secured them both. The noble lord, perhaps, ought not rashly to set his own opinion against that of Buonaparté in a military question. Buonaparté was an usurper, an upstart, a tyrant, and a great many other bad things, but still it was impossible to deny, but this wicked man had some skill in military matters, sufficient, indeed, to counterbalance the authority even of the noble lord. —But so it was, that Buonaparté, whether right or wrong, got to Madrid, and then sir John Moore formed the resolution to advance. Now, he wanted much to know whether sir John Moore had received instructions to advance at that particular moment? And he also wanted to know why the troops that were embarking, to the number of 13,000 men, were not sent forward immediately to his assistance in his retréat? Great advantages might have resulted from this: in the first place, gen. Moore might have been alive, and if 10,000 men, a great proportion of which were actually in the transports, had been sent to Corunna, then a real diversion might have been effected; for the army might, perhaps, have maintained itself for some time in that place, and in reality obliged Buonaparté to turn his whole attention to that quarter. But instead of this, he had heard that Buonaparté having seen the British army on the road to Lugo, had turned the greater part of his force again towards the south, and left it to one of his generals, with what he conceived to be a sufficient body of troops to execute the object.—Now, what was Buonaparté's *prima facie* case? He had promised to crown his brother in Madrid within three weeks of the time when he passed the Pyrenees. He had done so. He had promised to drive the English into the sea; and though he was not able to do this exactly, our army, it was well known, was obliged to embark under the fire of the French cannon. The noble lord's *prima facie* case was directly the reverse. He had promised every thing, and done worse than nothing. You could never send any where more than 50,000 men; but no nation after this would ever trust to 50,000 men, or 100,000, if directed by such military councils. But then the noble lord said, that it was a great object to create a diversion in favour of the South of Spain, where the people were all hostile to the views of France; why, so they were also in the North; but if any Spanish gentlemen were examined at the bar, they would in all probability say, that after all our promises and exertions we had for them done nothing.—Why did not sir John Moore retreat into Portugal? If that gallant general had been left to his own discretion, he was persuaded he would have retreated upon Vigo and Portugal. [" His Letter says the contrary," was whispered by some of the ministers across the table.] Well, that might be, but he might have been of one opinion at the date of that letter, and of a very different one at another time. He wanted to know why we had not taken possession of Ferrol; if the government of Spain had not sufficient confidence in us to grant us this much, why were troops sent to that country at all? But he could not help again asking why sir John Moore had not fallen back on Portugal? The fact was, that this lamented general knew well that he was acting under an administration not very friendly to him; at the same time he did not mean to insinuate that the noble lord had behaved in an illiberal manner to sir John Moore; but certainly the situation of that gallant officer was a most unhappy one. He must have been sensible of the expectations that were encouraged in the country, every newspaper from which was filled with the most erroneous accounts of his situation, and with paragraphs, stating sir John Moore would do this, and sir John Moore would do that. The gallant general must have felt the cruel hardship of his situation, and the little hope he could have of very strong support, if he should happen to do any thing that was wrong; a thing not easily avoided amidst the difficulties with which he was surrounded. But, then, the noble lord had dwelt upon the rapidity of the movements of the French troops, and rested a considerable share of his justification upon this circumstance. Now it was very singular in this *prima facic* case (to use a favourite expression,) that there was nothing to obstruct the plans of the noble lord, but what he might have known very well before. Buonaparté had taken no pains to conceal the time of his marching. He marched on the 5th of Nov. from Bayonne, and he told you so. The sun shone in October; the rain fell in November, and the snow in December; all which were common things, and the noble lord might have learnt them from Moore's Almanack. But the noble lord said, " who could resist such engines of destruction" (he believed that was the precise expression) as the French carried with them." Why, the engines of destruction were horse, foot, and artillery, not uncommon engines of destruction in war (hear! hear!); and the noble lord might have foreseen that the French would possess them, and the failures in fact must be attributed to ministers, unless they could prove that a mutiny had broke out in the army, or an extraordinary mortality. But nothing of this kind was alleged, and therefore there existed the strongest reasons for an inquiry. The noble lord had very cautiously adverted to the statement of his noble relation (general Stewart), as to the number of troops lost in these expeditions, and seemed very doubtful whether he could venture to declare his belief of its correctness. He (Mr. Tierney) had conversed with several officers who were present in these expeditions, and understood from them that the loss was at least from 8 to 10,000 men, instead of the 5,000 mentioned by the hon. general. The noble lord had said that the enemy had taken none of our artillery. What had become of the nine-pounders of the 2nd brigade? Their guns had been left behind, as he understood, and he strongly suspected that the noble lord would find that he had been mistaken in his statement. But whether our loss was more or less, could any man doubt as to the situation of affairs when the first dispatch from sir John Moore, of the 28th of Dec. appeared in the Gazette, containing the words, "I find I have no time to lose in securing my retreat." From that day, till the arrival of the army at Corunna, was a scene of woe such as had scarcely ever been heard of. Think of blowing up the ammunition; destroying 3 or 400 waggons; staving the casks with the dollars; leaving the artillery to be cast away; and the Shrapnell shells to the French, who would thus be enabled to discover their composition.—He requested it might be understood, that he meant not to ascribe these disasters, in the smallest degree, to sir John Moore; but it was obvious, that if ministers had sent the force which had been partly embarked to his assistance, the calamities might in a great measure have been prevented. The ministers he conceived to be extremely culpable in this respect, although he allowed that this depended very much upon the time at which the noble lord had the first intelligence of sir John Moore's retreat. But when he first heard that it was the intention of sir John Moore to advance, the noble lord ought to have sent a reinforcement, which would have been useful whatever turn affairs might take. The noble lord had said that the gentlemen on his side of the house had abandoned Spain. He affirmed, however, that not they, but the ministers had abandoned Spain. There were, however, it appeared, great hopes of what might be done in Portugal; and general Beresford, with several other officers, were to be sent to organize the people of that country. But why were they not organized before, when it would have been of use to do so? But now, when we were about to abandon the country, we began to encourage the Portuguese to take arms in their own cause. "Now, my lads, (we said) is your time to defend yourselves against the villainous French, since you see that we can defend you no longer." (Hear! hear!). The truth was, the noble lord was astounded at the total failure of all his vigorous schemes, and this put him in a vein of pleasantry, such as had never before been heard of. (A laugh and Hear! hear!). He (Mr. T.) however was not disposed to treat this motion so lightly. By the attention which was paid to it the country would judge of the character of the house of commons. The house ought to convince the army that, though they might be exposed to unavailing exertions and useless hardships by the mismanagement of ignorant councils, they had protectors in that assembly, who would never be slow in attending to their interests and their comforts. Unless the officers of the army had this support to look to, all would with them be absolute despair; for with the exception of some of the connections of ministers, there was not an officer who came home from the expedition to Spain, that did not vent execrations against the authors of it. From Lugo until they reached Corunna, there was not a man engaged in that retreat of unparalleled danger and hardship, who did not vent curses against those who placed them in that situation. If he knew any thing of gesture, he could perceive from the agitation of a right hon. gent. opposite (Mr. Canning), that he was waxing wroth, and he anticipated a most splendid tirade from him in condemnation of the effect which the sentiments uttered by him might have in inflaming the army. But in what he had said, he had stated nothing more than the fact. He had heard it from officers, whom he had met in certain circles of society, and it was these he meant when he spoke of the army. The noble lord called for confidence in the head of the administration; but who was the head? He had a high respect for the private virtues, and many amiable and excellent qualities of the Duke of Portland, but he could not consider him as the head of the government. Was it then the Chancellor of the Exchequer? He had already disclaimed it. Was it the right hon. gent. (Mr. Canning) who he could perceive was meditating some vehement burst of eloquence against him? Was it the noble lord himself? Was it the earl of Liverpool? That surely could not be the case, as that noble lord was put upon record as being totally disqualified for the department of foreign affairs. Whom, then, were they to give confidence to? He had heard much in that house of confidence. Mr. Pitt's friends called for it over and over again. It was his misfortune not to agree with them, but Mr. Pitt had some claims to confidence. There was something in the greatness of his character, in the boldness and magnitude of his views, and in the splendour and fascination of his eloquence, that might have warranted confidence. But if they were to give it to the present government it would prove that they gave confidence, not to Mr. Pitt, but to a thing called an administration. This conclusion must necessarily follow, if they went to vote upon the principles recommended by the noble lord.

General *Stewart* did not at all mean to reply to the speeches made by the hon. gentlemen opposite, but wished to allude to one or two particular points. The right hon. gent. had said, that the march of the British troops from Portugal to Spain was by the direction of his majesty's government. It was pretty well known to all the officers who had been with that army, that that was not the case, and that that course had been concerted between the Supreme Junta of Spain and sir John Moore. The hon. gent. had also said, that the commissariat was badly constituted, and the troops ill supplied. He declared, that as long as he had been with gen. Hope, which was during a march of near 1,000 miles, nothing could be more complete than the supplies afforded. Much had been said of the danger to which both corps were exposed by that under sir John Moore having marched by land to Spain from Portugal, whilst sir David Baird's corps was landed at Corunna; but the junction of sir John Moore and sir David Baird was not at first critical, though it afterwards became so in consequence of the defeat of Castanos. As to the loss sustained by the British army, he was still of the same opinion, as when he stated its amount to the house, and he was convinced that his statements would be borne out by the returns, that it did not amount to more than 5,000 men: but let the loss be what it might, the advantage to our army in the experience upon a large scale which they had acquired was incalculable, and would be most evident, should they ever have to encounter the enemy on our own shores.

Mr. *Colborne* rose to express his dissent from the hon. gent.'s motion, as also from many of the sentiments uttered by the right hon. gent. who had spoken last but one; and he particularly blamed that part of his speech, where he made use of expressions calculated to inflame the army, a flame which the right hon. gent. himself had so justly anticipated. He, therefore requested the attention of the house only for two moments, for which time only he would be disposed to divert the storm of eloquence which the right hon. gent. justly apprehended. [Mr. Secretary Canning had twice offered himself to the house.]—He could assure the house, that if he thought inquiry were necessary, he should not disapprove of it, and that he had no wish whatever to withhold from the public any information on a subject, in which they were so strongly interested. He was glad to find, that whatever difference existed as to the mode in which Spain had been assisted by this country, there was no variety of opinion as to the propriety of the assistance itself; and he could not but regret that the hon. gentlemen opposite had not paid their tribute of applause to the promptitude with which that assistance had been afforded. The accusation of failure made by the hon. gentlemen opposite, came with a very bad grace from individuals whose administration was a succession of failures. That administration had attempted to bring about a peace, and the attempt had ended in a more rancorous war; they had carried on war in a manner even worse than they had conducted their negotiation. The hon. gent. then contended that by the occurrences in Spain we had gained no trifling advantages; we had given to our army experience, we had shewn to the eyes of Europe, and to the world, that we were as formidable by land as by sea; we had taught the enemy to respect our military force, and to acknowledge that we possessed commanders who could vie with the titled minions of Buonaparté. The hon. gent. had said that we had done nothing. Was it nothing to gain the Spaniards that time which their situation demanded? Was it nothing, to afford them an opportunity of collecting their dispersed armies? Was it nothing, by creating a powerful diversion, to allow them the means in another part of the kingdom to combat with success the common enemy? Had we not gained a national military character by our conduct? And, though our loss was considerable, was it not less than that which we had sustained on our former less glorious campaigns? The honour which the British army had gained in Spain, by raising its character, had done more than all the plans which had been or could be devised for giving facilities to the recruiting of that army. The hon. gent. had not shewn any ground for the motion which he had submitted to the house; in his opinion it would tend only to paralise the country, and he therefore felt himself bound to vote against it.

Lord *Milton* observed, that the hon. gent. who had just sat down, had given rather a singular reason for having approved of the campaign in Spain, namely, that it would facilitate the recruiting of the army. The noble lord opposite (Castlereagh) would, he believed, not be disposed to thank the hon. gent. for the compliment to his administration of the army contained in that observation. It was the opinion of the hon. gent. that the inquiry moved for would only tend to paralise the efforts of the country. It was his firm conviction, on the contrary, that the country was desirous, and parliament was bound to make inquiry into the recent failures in Spain; and for his own part he should not hesitate to declare, that whether his friends were in power or out of power, he should at all times be a strenuous advocate for the necessity of vigilant inquiry into the conduct of public affairs. He would have been glad, if such an inquiry had taken place in former wars. Had the Expeditions to Ferrol and the Helder been inquired into, they should not now have to regret the failures to which the motion referred. Instead, therefore, of the inquiry proposed paralising the efforts of the country, it would give to the parliament the confidence of the public. The object of the expedition had been the establishment of the Spanish Monarchy, and to drive the French army out of that country. Now, in spite of all the vigour and activity of the noble lord, instead of Buonaparté having been driven back to his own territory, and the whole of the Peninsula recovered from his forces, his brother Joseph had been crowned at Madrid, and our army obliged to withdraw precipitately from Spain. Were not these circumstances that called for inquiry, and was parliament to be told that no such inquiry was necessary? If they were to say that they would not go into the investigation, the nation would decide that they had no pretensions to occupy the situations they held as representatives of the people.

Mr. Secretary *Canning* expressed his satisfaction that he had not spoken when he first offered himself to the attention of the house, but that he had given way to the three successive members who had favoured the house with their sentiments, and to whom he felt himself under considerable obligation. To the gallant general near him, because he was now able to avail himself of that gallant officer's authority, in support of some very important facts—to his hon. friend who followed, for the ability with which he had refuted the arguments of the right hon. gent. opposite—an ability, the display of which had afforded him the highest pleasure, and from which the presence of his hon. friend alone prevented him from declaring how much he still expected. To the noble lord he was also under obligation; because, standing as the noble lord did, in so high a station in the country, and possessing, as he presumed he did, the hopes of the opposite side of the house, he was glad to find that the sum of what could be said on such an occasion, by such an individual, was so small. Amongst all the reasons, which had been urged for inquiry, misrepresentation had held the foremost place in the speeches of the right hon. gentlemen opposite. They had endeavoured, by a series of the grossest misrepresentations that he had ever witnessed, to pervert fact, and to mislead the judgment of the house. The right hon. gent. by whom the debate was commenced, had taken a general and comprehensive view of the subject, and his misrepresentations were as general as comprehensive. The right hon. gent. who followed him, had contented himself with a more particular field, but that field he had filled in detail with misrepresentations, if possible, still more flagrant: the former had dealt in misrepresentation with a view to his argument; but the latter had presented all his facts in a more discoloured and distorted shape, than in the course of his experience he had ever known, and this, too, whilst he gave to himself the character of a plain, blunt man, addressing to the house stout and subborn facts in plain and simple language, and having truth alone in view. Certainly, the right hon. gent. was a plain, blunt man; and he could have wished, that he had completed the picture and only spoken the truth. (A cry of Order! order!) It was matter of surprise, he confessed, to him, that that right hon. gent. had ventured to state as facts, what he knew only from report, and to give to rumour the credit of undoubted authority; but in ten minutes he should shew that all his statements were unfounded. The statement of the right hon. gent. that night began with the army, when, after the campaign in Portugal, it became disposable, and proceeded to Spain. His first accusation against his majesty's ministers, was for the manner in which they had assembled that army: and upon this point the right hon. gent. had asserted, that nothing could exceed the absurdity, as he termed it, of dividing the army into three separate columns, and of extending those columns over many miles of country, so as to make it impossible for the centre column to go to the left without abandoning the right column, or to go to the right without abandoning the left column. Now, with respect to that arrangement, whatever merit or demerit it might have, it was not the arrangement of government. The right hon. gent. had said, that every twelve hours there had been a change of system and measure, in which case it would have been absurd to dictate any course of proceeding for the army in its progress in Spain; so that taking his own premises for granted, his conclusion would not follow, and his argument fell to the ground. His majesty's ministers had not been absurd enough to dictate from home the precise instructions, under which the British army was to act in all circumstances. They had sent out general instructions to the Commander in Chief, when the army was proceeding from Portugal to Spain, and at the same time informed him that they intended to dispatch a considerable force to Corunna, and that the transports which took that force out, were to proceed to the Tagus to be placed at his disposal. The option was thus left to the general, whether he would proceed to Spain by sea or by land. The adoption of the latter course had been the choice of sir John Moore, as would appear by one of the papers that would be laid on the table, which the right hon. gentlemen might have had produced, if they had thought proper to, move for it, and had not preferred darkness to light. It was not because sir John Moore could not proceed by sea that he had adopted that course, but because he thought it better to proceed by land. What, then, was to become of the fact of the right hon. gent. that this arrangement was a military blunder of his noble friend? The division of sir John Moore's army into two bodies was not the act of his majesty's ministers. The sending of the infantry by one route, and the cavalry and artillery by another, was solely the adoption of sir John Moore himself, and had not arisen from any want of communication or knowledge, but was resorted to in consequence of communications with a Spanish general officer sent by the Central Junta, to arrange the line of march of the British army with sir John Moore. This was a specimen of the facts of the right hon. gentleman: "ab uno "disce omnes."—But as the right honourable gentleman had already in one part of his speech retracted a part of his accusation, he would, he was sure, upon finding that his charge was unfounded, retract the remainder. Could the right hon. gent. believe it possible, that any administration, even the administration which preceded the present, would be so weak as to send orders to any general upon foreign service, to divide his army into two distinct parts, the one composed of infantry, the other of cavalry and artillery, and that each should advance by a different route against the enemy? He did not mean to find fault with this arrangement; but it was the arrangement not of government, but of sir J. Moore, and he had no doubt that the arrangement had been adopted on sufficient reasons. What those reasons were he did not know; but whatever they were, they were distinctly that gallant officer's own reasons; nor were the operations undertaken without any concert with the Spanish government; on the contrary the whole course had been arranged upon a distinct communication, and in concert with an officer from the Central government of Spain. The right hon. gent. was not either more fortunate or more accurate in his account of the operations in Spain. For variety sake, he supposed, the right hon. gent. had stated one fact correctly. He had stated that sir J. Moore, on hearing of the defeat of the three Spanish armies, had it in contemplation to fall back upon Portugal, and sent orders to sir David Baird to retire also. But for fear that he should have one incontestible fact in his statement, the right hon. gent. drew this false inference, that therefore sir John Moore must afterwards have advanced against his will. Here, again, the right honourable gentleman was totally mistaken.—The fact was, that sir John Moore had been informed of the determination of the inhabitants of Madrid to defend that city to the last extremity, and had suspended his retreat in consequence. This information he had received from those whose duty it was to direct the efforts of the people; a communication to the same effect had been made to him by Mr. Frere; and he was convinced that the inhabitants of Madrid had been at that time sincere in their determination of defending their city, or burying themselves under its ruins, if they had not been frustrated in their intentions by the weakness or the treason of some of those in whom they had confided, particularly of that rough honest man Don Thomas Morla, who had distinguished himself by his patriotism in the early period of the Spanish struggle. Sir John Moore might have questioned the courage of the inhabitants of a luxurious capital; but informed as he had been of their determined resolution, and by his majesty's accredited minister to the Spanish government, he might have expected Madrid to follow the example of Saragossa, and its inhabitants to emulate the intrepidity of the compatriots of the gallant Palafox. It was not his intention to blame sir John Moore for the course he had pursued: on the contrary, he should have thought him blameable, if he had not adopted it; and he should not think well of the heart of any gallant soldier, who, upon such assurances of the determined resistance of Madrid, would have declined availing himself of the favourable opportunity it afforded for making a bold and enterprising effort against the common enemy. Here then the agency of Mr. Frere ended; and he must be allowed to add, that nothing had been done by that gentleman, but what was calculated to raise the character of this country in Spain, and to conciliate the attachment of that country to Great Britain. But the chief reason for sir John Moore's advance was not founded on any external agency. It arose out of information received through an intercepted letter from Berthier to Soult, directing that general to be at a particular place on a particular day, and promising reinforcements; which letter led him to hope that by advancing he should be able to cut off that general's corps. At that time he had been joined by general Hope, and expected shortly to be joined by sir David Baird, and in consequence sir John Moore advanced to Sahagun. In this movement he acted as a statesman no less than as a soldier; because, even though he might fail, he must have gained an advantage for the south of Spain, whose exertions had never been relaxed, by drawing off the French army from Madrid, and the prosecution of operations against the capital and the southern provinces. The right hon. gent. had complained that no force had been sent to support the army at Corunna, and that troops, which had been on board transports, had been re-landed. The fact was true, but the right hon. gent.'s inference, as to the re-landing these troops, was unfounded. They had been re-landed in consequence of a distinct requisition from sir David Baird, that he wanted a certain number of transports, and the transports from which these troops had been disembarked, were sent out pursuant to that requisition. It was an afflicting circumstance that it should have been necessary to re-land these troops, and to send out empty, for the purpose of bringing off the British army, those transports which had been filled for the purpose of reinforcement and assault. Would the right hon. gent. say that, at this distance from the scene, his majesty's ministers should have refused to send out these transports? He could assure that right hon. gent. that the sending the transports empty from this country, had cost his majesty's ministers a severe pang. Amongst all the decisions to which he had been a party, in the course of his life, no one had ever occurred which gave him more pain than this: every dictate of the head was tortured, every feeling of the heart wrung by it; but his majesty's ministers had no choice; they were compelled to submit to the hard necessity. He felt that it would excite dissatisfaction in England, and excite dismay in Spain; yet painful as it was to re-land the troops and send out the transports empty, his majesty's ministers had no alternative.—He was not aware that there was any thing more in the right hon. gent.'s speech, which it would be necessary for him to reply to particularly. He could not, however, pass from it without noticing the animation, rather more than usual with the right hon. gent. with which ce began; no less than the indignation which pervaded the middle of his speech, and the reprehension of his majesty's ministers, with which it ended. But there was one point more to which the right hon. gent. had adverted, when he asked why sir David Baird had been sent out without instructions, which it might be desirable for him to notice. Sir David Baird's force had been sent out as part of sir John Moore's army; and consequently he was to take his instructions from that officer. As to the question why a force had not been sent out to meet the British army on its return to Corunna, it would be a sufficient reply to state that the dispatches from sir John Moore mentioned his intention to retreat upon Corunna or Vigo; the transports, too, had been ordered from Corunna to Vigo, and the distance between these places was considerable, so that his majesty's ministers could not know whither to send a force to meet them.—Without meaning the smallest disrespect to the right hon. gent. (Mr. Tierney) he should here quit his rougher draft, and pass to the more comprehensive statement of the right hon. gent. who preceded him, which, if it had only the quality of truth, he meant of foundation in fact, would have been a most distinguished specimen of eloquence. But that right hon. gent. had employed the same guide as his right hon. friend, the misrepresentation of facts, to describe the conduct of the government of this country to Spain. It would be recollected that the feeling of that house, and of the world, upon the first ebullition of the national spirit in Spain, was, that the government of this country had but one course to pursue. It had been argued by the right hon. gent. that before the assistance of this country had been given to Spain, it ought to have been ascertained whether or not the Spaniards were instigated by the monks; whether they were encouraged by the higher ranks, or animated by popery; whether they were wedded to their ancient institutions, or disposed to shake off the oppression of their former government, to abjure the errors of a delusive religion, or prepared to forswear the Pope and the Grand Inquisitor. These were questions better suited for the employment of a period of learned leisure, than for the hours of action. The right hon. gent. in tracing the limit which he pointed out, had drawn a line of insularity round us, which would separate us from the rest of Europe, even more than our insular situation, and leave us to defend ourselves. The policy of his majesty's government was different; they felt that the Spanish nation wanted other and more aids than lectures or municipal institutions; they were content that a British army should act in Spain, though the Grand Inquisitor might have been at the head of the Spanish armies; though the people might have been attached to their ancient monarchy, and with one hand upheld Ferdinand vii, whilst with the other, they worshipped the Lady of the Pillar. To assist the patriotic efforts of the Spanish nation was the sole object, and they did not wish to inflict upon that country any change as the price of that assistance. God forbid! that we should ever be so intolerant, as to make a conformity to our own opinions the price of our assistance to others, in their efforts for national independence; or to carry the sword in one hand, and what we might choose to call the Rights of Man in the other! If the principle upon which government had acted was not sound, if the measures resorted to had only paralized the efforts of the Spanish nation, for God's sake, let the administration of the government be trusted to more enthusiastic and abler hands. But the enthusiasm of the Spaniards was not pretended; what they had in their mouths, they felt in their hearts; they were enthusiastically determined to defend their country to the last extremity, or to perish under its ruins. The language held by his majesty's government to Spain, was not that no assistance should be afforded till a Supreme Government should be established; but whilst the assistance was sent to every part of Spain, we called upon that country to collect its authority in one Supreme Government, not in order to obtain our assistance, but to induce other nations of Europe to join in aiding their exertions. Until this Supreme Government had been established, no accredited minister could be sent to Spain; but at an early period of the national ebullition, agents had been sent by his majesty's ministers to all parts of Spain, and from the information collected from these gentlemen, they were enabled to judge for themselves. The right hon. gent. had objected to the appointment of any other than a military man on a mission to Spain: but as the objects of the right hon. gent. were of a philosophical nature, military men would not have been the most proper persons to be employed to accomplish them. But was there no other way of knowing the state of the country than by the barren reports of the agents, who might be sent thither? If one were desirous of knowing what was passing in England, would he not ask whether such or such a person, who might have been known in Europe to be connected with public affairs, had any share in the passing transactions? This source of information was open to us in Spain, and the men connected with the national struggle afforded the best illustration of the principle, and the best comment upon the cause. In Catalonia, Espeleta, who had been Governor of South America, and President of the Council of Castile, took the lead. In Castile, Cuesta was at the head of the army. In Murcia, the venerable Florida Blanca, the ablest statesman in Europe. Besides these and others, there were Saavedra and Jovellanos, the former an able minister for Foreign Affairs, the latter distinguished in the Home Department, whose connection with the popular ebullition was a fortunate omen of its success, and a distinct proof of its extent. Morla too was active in his country's cause; which, alas; he had since betrayed. But these were not all; amongst those who attended their sovereign to Bayonne, and who took the earliest opportunity to join their country, were Don Pedro Cevallos and the Duke d'Infantado. When the hoary wisdom of age, and the ardent enthusiasm of youth; when the whole mass of the population, and the distinguished individuals of every rank, were associated for the common defence of their country, who could doubt of their cause? This was a state of things which his majesty's ministers could easily discern, without the aid of the spectacles presented by the right hon. gent. The military part of the transaction might have disappointed expectation, but the cause was not desperate. The soldiers who conquered at Baylen, and those who rallied after the defeat of Rio Seco, those who defended Madrid before they were soldiers, and drove the French out of Castile, were still staunch in the cause. The spirit of the people was unsubdued; the boundaries of French power were confined within the limits of their military posts; the throne of Joseph was erected on sand, and would totter with the first blast; and Buonaparté, even should he succeed, instead of a yielding and unreproaching ally, would have an impatient, revolting, and turbulent nation to keep down. In this state of things he could not admit that the cause of Spain was hopeless. Austria and Prussia had sunk under the fortune of Buonaparté; but though his career had not been stopped, it had been interrupted by the unarmed population of Spain. The cause of Spain and of Europe was not therefore desperate, because our army of 30 or 40,000 men had been obliged to withdraw from Spain; and it was not just to the country, or to the army, which he hoped would again prove the stay and bulwark of Europe, to assert, that its honour was in consequence gone for ever. All the energy of liberty, and all the sacredness of loyalty, still survived, and the Spanish revolution was, he trusted, destined by Providence to stand between posterity and French despotism; and to shew to the world, that amidst the paroxysms of freedom a monarch might still be loved. If they could shew that these were the feelings by which they were influenced, and that they had acted up to those feelings, their justification would be complete; and he was convinced that the liberal and disinterested measures of his majesty's government towards Spain were more congenial to British feeling, and more honourable to the national character, than if they had set out in their career of assistance by picking up golden apples for ourselves. For himself, as an humble individual of his majesty's government, and having a share in these transactions, the recollection, whatever might be the vote of that night, would be a source of gratification which he should carry with him to the grave. Such had been the cause, in which his majesty's ministers had embarked.—Such the principles, upon which they acted; and such the objects which they had in view. He could not admit, though the result of the Campaign had not been such as they all would have wished, that therefore disgrace had been brought upon his majesty's arms, when every operation of that campaign had proved so glorious for the character of the British army. If we had been obliged to quit Spain, we had left that country with fresh laurels blooming upon our brows: and whatever failure there had been upon the whole, he trusted might still be repaired. If that was to be brought forward as the ground for accusation, he stood there for judgment, and should submit with cheerfulness and patience to whatever sentence it might be the pleasure of the house to pass upon him. The object of the right hon. gent.'s motion was obviously calculated to take the reins of government out of the hands of those who at present held them; and upon that ground he desired that the present ministers might be judged by comparison. Was it the pleasure of the house that the cause of Spain should be abandoned? Was it a principle agreed upon that the direction of the affairs of government should be committed to other hands? If a new course was to be pursued with respect to Spain, undoubtedly the direction of affairs must be put into new hands. Was it then a settled opinion, that there was something fatal in the will and irresistible in the power of Buonaparté; and was the world to submit to his tyrannous resolves as to a Divine infliction? When he compared the present situation of Spain with what it was when the French were in the undisturbed possession of Castile, Catalonia, Biscay and Portugal, he could not discover any grounds for despondency. The French had now Gallicia but they had not Portugal, so that upon the whole the situation of Spain was not as unpromising as in June last. Why, then, should its cause be despaired of, unless gentlemen had their minds tuned to despair? Whatever might be the fruits of Buonaparté's victories, in other respects, the spirit of the Spanish nation was yet unsubdued. His fortune, no doubt, had been augmented: but still it was fortune, not fate; and therefore not to be considered unchangeable and fixed. There was something unworthy in the sentiment that would defer to this fortune, as to the dispensations of Providence, looking upon it as immutable in its nature, and irresistible by human means.

"Te
"Nos facimus Fortuna Deam, cœloque locamus.

—The right hon. gent. concluded by stating his intention to give his negative to the motion. [A cry of Fire! fire! frequently interrupted the latter part of the right hon. Secretary's speech, and Mr. Sheridan, in a low tone, stated across the table, that Drury-lane theatre was on fire.]

Mr. Windham was about to reply, when lord Temple suggested the propriety of adjourning the debate, in consequence of the extent of calamity, which the event just communicated to the house, would bring upon a respectable individual, a member of that house.

Mr. *Sheridan* observed that, whatever might be the extent of the individual calamity, he did not consider it of a nature worthy to interrupt their proceedings on so great a national question.

Mr. *Ponsonby* acknowledged it was not a parliamentary cause, strictly speaking, for adjournment, but it was evidently the cause of much and deserved anxiety; and of a nature sufficiently powerful to induce an adjournment.

The *Chancellor of the Exchequer* observed that the cause, however to be lamented, was no reason for interruption of the debate, as it should be recollected by the house that there was no exhibition this night at the Theatre, and therefore there was no ground for apprehension for the safety of any of their friends or relatives.

General *Mathew* declared he did not envy the right hon. gent. his feelings on the occasion, particularly when he reflected, that half London might be burned down while they were debating. He therefore moved the Question of adjournment.

Mr. *Herbert* seconded the motion.

Mr. *Wilberforce* stated, that if their adjourning would have the effect of putting out the blaze, it would be good to do so. But what an exhibition would it hold out to the world to say, that on an alarm of fire, they had adjourned a debate of such importance. Considering, therefore, it would answer no good purpose, he should oppose the adjournment.

Mr. *W. Smith* also opposed the adjournment.

The Motion was at last withdrawn, with the concurrence of both sides of the house; and

Mr. *Windham* was determined to confine what he had to say to the objects of the inquiry, and in that case should pass by four-fifths of the speech of the right hon. gent. However able the speech of that right hon. gent. it had been very little to the purpose. It was an odd moment for the right hon. gent. to express his hopes, and an odd quarter from which such hopes proceeded, when our army had been withdrawn from Spain, when we had left the Spaniards to fight their own battles. This had something so ludicrous in it, that he wondered it did not remind the right hon. gent. of the very pleasant lines,

"He fled full soon
On the first of June,
And bad the rest keep fighting."

When we had damned their cause, it was no time for us to give the Spaniards lectures upon national energies and perseverance.—But, to go soberly to the consideration of the plan of the campaign: it had been agreed, on all hands, that the crisis was one of the most important, and that a greater hope had never been opened for the salvation of Europe. The spirit of the country had been exalted to the highest pitch; every nerve had been braced, and all classes of the community concurred in encouraging and supporting ministers; yet the event had shewn that there had been an universal failure. When the greatest stake the country ever had was lost, either by ill fortune, or by the mismanagement of ministers, and of those ministers to whom the greatest means were entrusted that were ever entrusted to any ministers, it was full time for inquiry.—There were two things to be considered: first, the propriety of sending troops to Portugal: secondly, the mode of sending them from Portugal to Spain. It would be necessary to ask ministers why they did not send out any force before the 12th of July? and why, after they knew that Junot's retreat was in a manner cut off, and that he could not join Dupont, they sent troops to Portugal? If they were resolved to send troops to Portugal, it appeared as if it would have been better to have waited till the reinforcements joined; for, as it was managed, it appeared a doubtful thing which of the two armies would have beat. Junot was as confident of success as sir Arthur Wellesley; and between two such generals, and such armies, there was as glorious an uncertainty in war, as in law. But, supposing even that sir Arthur might feel confident of beating Junot, yet it was not to be calculated that Junot must of his own accord come down to be beaten. "Come down and be hanged, master Barnadine!" It appeared evidently that he could not be compelled to do so; for if, after having been beat, he was able to protract, for many months, a defensive war, he could certainly have done that just as well before he was beat. Although we were the victors, yet, from an unfortunate arrangement made by ministers at home, the conquering general was superseded, and the fruits of the victory were lost. It was the effect of military councils at home, by which sir John Moore was placed in such a situation as made it necessary to fall back upon Corunna, and to execute that retreat with such rapidity as necessarily exposed our troops to great loss, and risked the capture of the whole army, if by any shift of wind they had been prevented from embarking. Our expedition to Spain was managed in such a manner, as not only to do no good, but to do what was much worse than nothing. We held out to Spain the disheartening example of what we called our best army, retreating from the field without striking a single blow, and on the mere rumour of the enemy's advance. When we left the field in this manner, it was in vain to tell the Spaniards, "Do you go on fighting, my brave fellows, and never mind us." We showed them, by our example, that our best troops could do nothing, and therefore that there was little chance of their undisciplined peasantry succeeding better. It appeared a great fault of the military councils of this country, that upon the 12th of July they were so very badly informed of the situation of Portugal, a country where every man was our friend, where information would issue from every pore, that they supposed there were but 5,000 French in that country, when in fact there were 25,000. If Spain had been assisted in the best manner, there was every reason to suppose that our assistance would have been effectual, as Spain had, besides her mass (a species of force common to every country) several armies, tolerably well organized, and led on by skilful commanders. He had been often reproached for not expressing as high an opinion as other gentlemen, of a rising in mass. He should, however, again repeat, that it would be quite idle and childish to expect the Spanish mass, or the mass of any other country, to stop the course of Buonaparté's army, or of any considerable division of it. Let the force of the mass be what it would, be the medium more dense or more rare, the army would pass through it nearly as a cannon ball would pass through the air, without any regard to its density or rarity. An army went where it listed, and was not to be stopped in its course by peasantry. He did not know that the Spaniards assembled at Bayonne were quite as great traitors as they were represented. If they saw, and were perfectly convinced that Spain could offer no effectual resistance to Buonaparté, they might, without much treachery to their countrymen, tell them they were unable to resist, and that it was better for them to submit at once without drawing all the evils of war upon their heads.—This was a question not unfit for our government, too, to consider; and if it was decided, as he (Mr. W.) thought it was rightly, that a chance did exist of the emancipation of Spain, and that no effort should be spared to assist that chance on the part of this country, then the only inquiry was, what force shall we send? and in what manner shall it be applied? And here it was impossible not to be struck, not only with the total want of plan, but with the total want of all right conception, in the hon. gentlemen, of the very nature of the great work in which they were about to engage.—There were evidently two courses to be pursued; either to strike a stroke in the part that first presented itself, namely, on the Ebro, and to endeavour to drive the enemy out of Spain, by attacking him instantly, while his force was small, and when his views upon Austria, or his jealousy of what Austria might design against him, kept his attention divided, and made it impossible for him much to augment his numbers; or, giving that attempt up as hopeless, to proceed at once to what ought to be the general plan of the campaign, with a view of affording to Spain any hope of final deliverance. On the former of these modes of proceeding, though the most tempting, and that which ministers had been most blamed for not endeavouring, he should give no opinion; because, few but those in office could have the necessary means for judging. It was a very nice question, depending on information of the force which the French actually had, and then the probability there might be of their being able to send large reinforcements, in case they should have reason to think, from observation of our armaments, that we had an intention of acting upon that quarter. There might be danger in that case, not only of the enemy's force becoming so great, as to destroy the hope of our forcing them from the Ebro, but also of their falling in by the way with some of our columns, and of destroying them before we could form a junction with our allies. The time, too, was short, the execution must be prompt, and there was all the difficulty of sending a large force into any of the Northern ports of Spain, at a period of the year at all late. This difficulty had not been found insuperable, as had been seen in the case of the marquis de Romana's army, nor did the probability seem great, that Buonaparté, having once disposed his troops, and settled his measures for a war with Austria, could have suddenly reversed his plans, and transferred his forces, so as to have arrived in Spain by the time our troops had begun to act. It was not true, either, that the one plan created any necessity of giving up the other. If the force sent to the Ebro had, as it ought to have been, been chiefly cavalry, the force namely which the Spaniards most wanted and which we had most ready and could best spare; such a force, even if found in the event insufficient for its immediate object, could still have been able to take care of itself, and to have retired in safety through Spain, a country of friends and allies, to that part of the peninsula, where, at all events, and in every view, the great mass of our force should be collected. This part was no other than the Southern provinces, the neighbourhood of Cadiz, and Gibraltar. The reasoning that determined this choice was really little short of demonstrable. Whatever force you send into Spain, small or great, can you be sure, even with all the aid that the armies, or masses of Spain can give you, that it will be able to resist the hosts, that Buonaparté can pour in against you, having for his supply nothing less than a sort of inexhaustible ocean, the whole population of Europe? Undoubtedly, the means possessed by Buonaparté were such as to leave but little hope of escape at any rate: yet some there must be, otherwise why did we send any troops at all, or encourage the Spaniards to resist? No one, however, could feel confident or at least certain; and therefore if we send any army into Spain, great or small, we must think of the means, in case of extremity, of bringing them away. The inference drawn by the hon. gentlemen from these premises seemed to be, that we ought to send only a small force: much upon the same principle which we heard of on a former occasion, when bad horses were sent, and horses unfit for the service, because they would be a less sacrifice if lost: But, great or small, the necessity of a retreat being provided seemed to be nearly equal. If the army was large, the stake was greater: and if small, the chance was greater of losing it. Now, there was in all Spain, including Portugal, that is, in the whole peninsula, but two places, and those in the same quarter, from which a large body of troops, when pressed by a superior army, could hope to get away, viz. Cadiz, and Gibraltar. There was, therefore, no other part of Spain, where an army from this country, large enough to be of any use, and not a mere flying corps, could with propriety be trusted, except in the neighbourhood of Cadiz and Gibraltar, or in such circumstances as to have its retreat upon one or other of those places always open.—There, therefore, he (Mr. W.) would have collected not only a large army, but the greatest force, that the country, in its then state of zeal and ardour, could by possibility have furnished. There was no reason, why instead of the 30,000, (which those who like at times to dwell so much upon the means of Buonaparté, think at other times would be sufficient) we might not have had an army of 100,000. No one disliked more than he did, the practice of recruiting from the militia: but bad as he thought that, when meant as part of a general system of recruiting, and great as he thought the objections to it at all times, he was still of opinion that there were occasions when such objections must be made to give way; and if ever such an occasion did, or could exist, unquestionably the present was one.—The effect of such an army, ably conducted, was not to be spoken lightly of. He was not prepared to say, that it would have succeeded. Who shall say that any thing would succeed? But as its chances would be better, so would its risks be less. A hundred thousand men with Gibraltar to retreat upon was a far less risk to the country than 30,000 in the situation where the hon. gentlemen had placed them; nay, than 30,000, in the very situation spoken of; because, a general must be very deficient in knowledge of his business, very different from the hon. general opposite (sir A. Wellesley), who, in such an abundant country, and with such a fortress behind him, would with an army of that amount suffer himself to be prevented from making good his retreat, by any army which the enemy could bring against him.—For, when we talked of Buonaparté's numbers, we must recollect where these numbers were to act. To meet in the South of Spain a British force of 100,000, Buonaparté must bring over the Pyrenees a force of not less than 200,000; to say nothing of the demand that would be made upon him by the large Spanish army, that might be raised in that part of Spain to co-operate with the British, and which the presence of such a British force would help to raise. Buonaparté would have a whole kingdom which he must garrison behind him, if he would either be sure of his supplies, or make provision against total destruction in the event of any reverse. He must fight us at arms length, while our strength would be exerted within distance, with an impregnable fortress at hand, furnishing at once a safe retreat in case of disaster, and a source of endless supply by means of its safe and undisturbable communication with this country.—And let it not be said, that while the army continued in the south, Buonaparté might continue master of the north: what mastery could he have of any part of Spain, while such an army could keep on foot in any other? And why in case of success, did the security of its retreat require that it should never advance? He (Mr. W.) should be willing to compromise for that result to Spain, which would enable us and the Spaniards to retain an army in that country, which Buonaparté should not have the means of dispersing.—There was never any thing so demonstrable, therefore, as that the only way of carrying on effectually a campaign in Spain, whatever else you might have done, was to collect your army in the south. Consistent with that, you might have made the trial, if those who had the means of judging should have found it adviseable, of driving the French from the Ebro; and the complete success of that attempt might have spared the necessity of actually landing at Cadiz or Gibraltar, though still always keeping those fortresses in view, in case of being overpowered by numbers. Consistent with that, you might, as was even still more evident, have prosecuted your designs on Portugal, though in a different manner and with different views. If the object was not, as was now described, to get Junot out of Portugal upon any terms; even upon those of removing him, through the medium of our disgrace, into Spain; but to destroy or render captive a French army, then, instead of the sort of predatory desultory excursion on which the hon. general was employed, why not send a full and competent portion of the force destined to be collected in the South, so as to have proceeded to their destination through Portugal, and to have swept off Junot in their way? A force raised to the greatest possible amount to which the mind and means of the country,—then elevated above itself and exalted to something of a preternatural greatness, *(majorque videtur, nec mortale sonans)*—could have carried it, should have been placed in Spain in a situation, the only one which the country afforded, where it would have been safe from the risk of total loss or capture, and would not have been kept down by the idea, that the deposit was too great for the country to hazard.—This should have been the great foundation, the se line, of the plan of the campaign. On is the country might have given a loose all its exertions, with the consolatory flection, that the greater its exertions the eater its security, the more it made its eparations effectual to their purpose, the ss was the risk at which it acted. From is, other operations might have branched at in different directions, as circumstances ointed out. It was scandalous that othing had ever been done to assist our iends or to annoy our enemies on the ast side of Spain, where to a power havg the complete command at sea, the finest pportunities were presented, and had been ost unaccountably neglected. The history the campaign to the east, which presents othing but one universal blank, was one the parts of this most miserably conacted business for which the ministers ould least set up any excuse. It seemed have been total neglect and forgetfuless. They forgot that there was such a oast as the Eastern coast of Spain; that it as accessible every where to our ships, aced as the high road for the entry of oops from France, inhabited by the ce of men, who fought at Gerona and aragossa; and on the other hand, that e had a large army doing nothing in Sily, or who, if we were to attempt to emoy them where they were, must be emoyed in worse than nothing. For all operations in this quarter of Spain, Gibralr afforded the most marked facilities. ith a large army stationed in the South, e enemy could never know what detachents we were slipping out behind us, or with what descents they might be reatened in their rear or on their flanks. he army need never have been idle; nor, hat was hardly less advantageous, need ever be supposed to be idle.—One geeral consequence resulting from a station, here an army might have been assemled really worthy of the cause and of the ountry, and whose utility would have een apparent and striking, was, that it ould have given us an ascendency in the panish councils, highly advantageous to em, and such as with tolerable good onduct, might have been made not less opular.—There was no one who would eprecate more than he should any medling spirit of interference in their internal oncerns, or any assumption of a right of ontrol: but the existence of an authority rising from merits and services, from the alue of what was done, and the evidence what was intended, and which should be applied only to the healing dissensions, discouraging factions, and affording a common centre of appeal to all the upright and well intentioned, was perhaps just the happiest thing that could happen in their circumstances, and such as every honest and intelligent Spaniard must hail with delight.—He could not help perceiving in the conduct of this war, and certainly in much of the language held about it, a certain mixture of that error, which prevailed in many years of the last war, of encouraging sanguine expectations of what was to be done by Austria and other powers, and looking to them for what in many instances ought to have been our own work. Something of that sort prevailed here. With all our talk about Spain, we did not set our shoulders to the wheel, as people would, who felt that they had nothing to trust to, but their own exertions, and who estimated truly what the exertions of this country could do when fairly put forth.—But, the great and pregnant source of error in the conduct of the hon. gentlemen, besides the fault of not knowing better, was that which they had in common with many other ministers, and which he had signally witnessed in some of his own time, of mistaking bustling for activity, and supposing that they were doing a great deal, when they were only making a great deal of noise, and spending a great deal of money. While ministers were writing long dispatches, issuing orders in all directions, keeping up the clerks to unusual hours, covering the roads with messengers, and putting the whole country in a ferment, they were very apt to fancy that the public service must be making prodigious advances. And their purpose, the purpose of the ministers themselves, might, very possibly, in the mean while be answered; for the error here stated was not a disinterested one and one without its design. It was thus, perhaps, that an administration was to acquire the character of vigour! The ministers looked at every measure not with a view to the effect which it was to produce abroad, but to the appearance which it was to make at home: they were more intent upon the richness and costliness of the handle of their weapon than upon the keenness and temper of the blade. The public joined them heartily in the delusion; and as long as that was so, we must expect to see the interests of the country and of the world sacrificed to such misconduct, as was exhibited in the history of this campaign in Spain.—There was another topic upon which he felt it necessary to touch. It had been represented, that throughout the North of Spain there was the greatest possible apathy and want of zeal, and that the marquis de Romana had confessed it. Now, to say nothing of the gross breach of confidence in quoting what the marquis de Romana had said, if he had said it in private, or the gross fallacy of quoting what he might have said in a proclamation in a moment of spleen or anger, and for the purpose of stimulating the inhabitants of those provinces to greater activity, he must utterly deny the expressions quoted. There could be nothing more fallacious than to estimate the feelings of a country towards any cause, by the feelings excited in that part of it, which should be exposed to the immediate pressure of an army. If the scene of war, for instance, lay in England, and we had an army of allies, Germans or Russians, or even an army of our own countrymen, acting for our defence, they would not, he apprehended, be very popular, in the places where they were; and there would not be wanting complaints among the farmers, whose provisions were consumed, whose henroosts were plundered, whose furniture was stole, whose ricks were set on fire, and whose wives and daughters might not always be treated with perfect decorum, that the French themselves could not do them greater mischief! Now, if this were true, as it infallibly would be, of English troops upon English ground, might we not suppose that a good deal more of the same sort would happen, both as to the provocation given and the imitation excited by it, when English troops were to be placed in these circumstances on Spanish ground, and where every cause of dissatisfaction must be aggravated a thousand-fold, by difference of habits and manners, and the want of any common language, by which the parties might understand one another. It must be confessed, too, he was afraid, that we were not the nation who accommodated ourselves best to strangers, who knew best how to conciliate their good-will; and when to all this were added the circumstances in which our army was placed, that we were a retreating army, and an army compelled to retreat with extraordinary rapidity and much consequent disorder, it would not be very surprizing, if neither we appeared to the people nor they to us, in form the most advantageous, or such as to render the inhabitants of the towns and villages on the line of our march, a very fair representation of the feelings and sentiments of the mass of people in Spain. On many occasions, from the fault of the commissariat, or from other causes, the soldiers, when they came in at the end of a long march, had nothing provided for them to eat; and were obliged to help themselves. The inhabitants, in their terror, whether they staid or had fled, had locked up their houses, and nothing was to be got but by breaking them open; and it was easy to understand, that when once soldiers, whether from necessity or otherwise, began to break open houses, further irregularities, without disparagement to the discipline of the army, or character of the men, must be expected. The kingdom of Gallicia in general, was probably a very unfair specimen, as to what was to be looked for from the rest of the country, not so much, perhaps, from the character of the inhabitants, as from the state of society there, where the gentry were few and of little influence, and where there was almost a total want of those classes which might direct and methodize the exertions of the lower orders, or make them sensible even that such exertions were necessary.—To talk of the Spaniards generally, as wanting in zeal or courage or determination to defend their country, was more than any one would venture, after such examples as Saragossa, where a defence was made so far exceeding what was to be expected from a regular army, that one might conceive a general made a peer in this country, for having surrendered Saragossa, in circumstances far short of those in which its inhabitants defended it.—The right hon. gent. concluded with expressing his determination to support the motion for an Inquiry.

Major *Allen* spoke in favour of the landing of the troops in Portugal.

Mr. *Bathurst* said that the house and the country had surely a right to call for some information upon what ground an enterprise like this had been undertaken; an enterprise as distressing, if not as disgraceful, as this country was ever engaged in. He was at a loss to know what prevented our armies from pursuing their object. Three months ago papers had been moved for of the Instructions given to our generals; but no such papers had appeared. He therefore contended that we had a right to be informed with what view our

ny had been sent there, and upon what
ormation this measure was undertaken.

Lord *Castlereagh*, in explanation, said
at the reason why the papers moved for,
ld alluded to by the right hon. gent.
re not produced, was owing to their be-
g extremely voluminous.

Earl *Percy* said it was universally ad-
tted, that this army was the finest ever
nt from this country, and whether they
d failed in their object through the mis-
idance of their generals, or the misma-
gement of ministers, alike demanded
at the people of this country should
ve the best information upon the subject.
e should therefore vote for the original
otion.

The Hon. *Christopher Hely Hutchinson*
se to put a question to the right hon.
nt. (Mr. Canning), which he hoped the
use would not find him disinclined to
swer; he understood him to say, when
verting to the decision taken by sir
hn Moore, to advance from Salamanca
wards Saldanha, in search of marshal
ult's corps, that he had resolved on this
rward movement, having received a let-
r from Mr. Frere, the British minister,
forming him of the enthusiasm which
d burst forth at Madrid; it was known
at the gallant officer had, previous to
e receipt of this information, ordered a
treat. Should it appear that this after-
termination to advance had been the re-
lt of his own reflections, he would be
e last man in the house, or in the coun-
y, to dispute the wisdom of this decision,
om a conviction that it had been formed
the soundest political and military con-
derations; but it occurred to him as very
ssible, that this letter of the British mi-
ster did not contain simply a communi-
tion of the fact, the popular indignation
the moment on the part of the inhabi-
nts of Madrid against the French, and
eir resolution to defend their capital,
t that it might have been written in the
irit of violent remonstrance against the
neral's known determination to retreat,
utioning him in the strongest language
to the probable disastrous result to the
lies from this resolution, and reminding
im that the army he commanded had
een sent to assist Spain, to which nation
nd his own, he would be held responsi-
le, did he decline advancing; Mr. Hutch-
son knew well that Mr. Frere or any
ther man would not have dared to have
ritten to sir John Moore an insulting let-
r; but should this in question turn out
to be of the nature he alluded to, the house and the public would perceive how little the gallant general had been left in this instance to his own free agency. What he therefore wished to know, especially from the Secretary of State, was, Whether Mr. Frere's letter was of this dictatorial nature, or one solely mentioning the circumstance of the enthusiastic spirit of the people of Madrid; and secondly, Whether gen. Moore had not reluctantly determined on moving forward in consequence of this letter. He was confident that the house, to whom every thing connected with the character and fame of the gallant general was justly most dear, would be anxious to receive the answers to these questions, and he hoped that the right hon. gent. would place on the table of the house a copy of Mr. Frere's letter, as also all the dispatches which had been received from sir John Moore. He had desired not to have given a silent vote on so momentous a question as that before the house; but he apprehended the effect of provoking the amiable irritability of gentlemen, which at so late an hour, seldom failed to be conspicuous!

Mr. *Canning* stated, that the decision was made not in consequence of a letter to Mr. Frere, but in consequence of an intercepted letter to Soult, directing particular movements.

Mr. *Ponsonby*, in reply, said, he was at a loss to understand what the right hon. gentlemen opposite could mean by the manner in which they had replied to his motion. The motion he had submitted was, That an Inquiry should be gone into. His motion had nothing to do with the precise mode in which that inquiry should be pursued. The noble earl who had just spoken, appeared to have seen it in its true light. A noble lord had said that the government of Spain considered its salvation to depend upon the appearance of an English army in Spain, and yet he gave no reason for the extraordinary delay in sending that army; or when it did arrive at Corunna, that that government had given no orders for its landing! Was this true? was it possible? If so, such a government was a curse! Could the right hon. gent. be serious, could he be rightly informed, or was this a story picked up by chance? To keep an army waiting 10 or 15 days, what could be expected but defeat and disgrace? The right hon. gent. had thought proper to pass over his speech in silence, he did not reply to one of his arguments, or those of his right hon. friend; he therefore supposed he had prepared his speech, before he heard either what he or his rt. hon. friend had to say. The right hon. gent. had said, he could espouse the cause of the Spaniards although he could not agree with their religious opinions; and had talked about the Lady of the Pillar. For his part, he could also agree to fight under that Lady's banners, were she young, though he might not be equally inclined, were she an old dame. But this had nothing to do with the question for Inquiry. As to the cause of the retreat of sir John Moore, as he was dead, and could not make his own statement, every one who esteemed his memory must be anxious for the inquiry, lest his memory should meet with unmerited reproach. But it had been argued, that the real question was not for inquiry, but whether his majesty's ministers should be removed? This was not, however, the case. If it should appear upon inquiry that his majesty's ministers were not adequate to the situations they filled, then their removal might become a question. The right hon. gent. had said, if the house were desirous to abandon Spain, then remove his majesty's ministers, for they would never consent to abandon her. But, he would ask, who had said a word about abandoning Spain?—Mr. Ponsonby then alluded to his having hinted that the Spaniards had refused to admit our troops into Cadiz, and although he had entertained a doubt upon the fact, yet the answer of his majesty's ministers convinced him he was right. He then denied the charge of either his right hon. friend or himself having spoken disparagingly of the British army; on the contrary, they had spoken of it in terms of admiration. He concluded by saying, that if ministers were sanctioned, and their counsels approved by the house, they could expect in future nothing but similar results.

The question was then loudly called for, and a divison took place, when there appeared—

For Mr. Ponsonby's Motion . . .	127
Against it	220
Majority in favour of ministers	93

Adjourned at half past three on Saturday morning.

HOUSE OF COMMONS.

Monday, February 27, 1809.

[Army Estimates.] The *Secretary at War* said that as upon that day week the establishment for the army had been voted, he had now only to move for the remaining Estimates which had upon that day been postponed. There would be found some increase in some few Estimates, owing to the increase of our effective force within the year; most, however, of the Estimates would be found to be nearly the same as those of the last year. The first article in which any material difference had occurred, was in that of the Estimates for the Staff and Garrison. The Staff abroad had been necessarily increased, particularly in Spain and Portugal. There had been before that 10,000*l.* allowed for the Staff abroad, on the score of Contingencies, but this sum had not been found to be adequate. The next article of increase was that of the Estimates for the full pay of the Supernumerary Officers; and there would be also found in the Estimates of the public department, an increase of 60,000*l.* but, as a balance against this, the public fees in the Pay Office, and in some measure in the War Office, had been done away. Besides, he wished the Committee to observe that much of what was hitherto rated under the head of Contingencies, was now reduced to distinct and specified Estimate, so that in fact there was no increase of expence, it was merely nominal and only an increase of Estimate. There would be found, too, some small increase as to the charge of the Half Pay Fund, and also in the Estimate for the Out-Pensioners; the increase on account of the expences of the Local Militia could be obviously accounted for; that description of force far exceeded in expence the Volunteer establishment, the increase would amount to 1,200,000*l.*; there was a rough Estimate of the cloathing for the Local Militia of 400,000*l.*; but this sum would go to provide for the four succeeding years. There would be also a slight increase in the Estimates for the Royal Military College and Military Asylum. The rest of the Estimates would be found to be the same as last year.

Mr. *H. Martin* said, that when the excess of the Estimates for the current year over those of the past amounted to 1,500,000*l.* that house had some right to demand every explanation as to the cause and circumstances of the increase. The excess in the Estimate for the Public Departments amounted to 60,000*l.* There was charged for the Exchequer Fees 96,601*l.* when the Fees themselves amounted only to 11,600*l.* For the office of the Paymasters General the Estimate was 54,771*l.* exceeding the same of last year by 20,000*l.* This increase had been accounted for by the addition to the number of deputy paymasters, but were not many of those places sinecures? The allowance for the expences of the office of Secretary at War, his deputies, clerks, and assistants, was this year 54,848*l.* here the excess over that of the last year amounted to 27,848*l.* There had been also an excess in the Estimate for the Foreign Corps. There had been also introduced new heads of Estimates that had never been mentioned before. There were under these heads miscellaneous charges to the amount of 70,800*l.*; of this 54,000*l.* was under new heads. For the Foreign Depot there had been a charge of 5,000*l.* which was new. There had been also a new Estimate, under the head of Foreign Invalids, which amounted to 4,830*l.* He wished to have these additional charges accounted for.

The *Secretary at War* said, that with respect to the public department, the increase was merely nominal, the fees having been allotted to the expenditure of the War-Office. There had been an addition of one or two clerks, and the salaries of the junior clerks were to go on progressively, in a certain proportion. With respect to the Foreign Corps, much of its expences were hitherto charged under the head of Contingencies, but now the same expences were stated under distinct Estimates, so that the increase here was nominal. In the same way other items, which had been under the head of the Extraordinaries, were now reduced to Estimate.

Mr. *Long* confirmed this statement, and said, that it was in most instances an increase of Estimate, and not an increase of expence. There was an addition of 11,600*l.* on Exchequer Fees, but of those there had been a deficiency of 5,800*l.* With respect to the Deputy Pay-masters abroad, those were formerly provided for, under the head of Contingencies, to the amount of 15,000*l.* but they were now given in Estimate. He did not know of one Deputy Paymaster's place which was a sinecure, but that of Gibraltar, which had been so for time immemorial. He had never appointed any person to that situation, who had not been required to do the duties of it; there was a necessary addition to the expences under this head, in consequence of the Deputy Paymasters who were sent out with sir John Moore and gen. Spencer, and at Madeira.

Lord *A. Hamilton* did not see how the mode of proceeding with respect to the Fees, and the application of them to the expences of the Pay-office, or War-office, could bring before the public the exact estimate.

General *Fitzpatrick* wished to know, whether it was intended to abolish the private fees?

The *Secretary at War* apprehended, that that would be productive of inconvenience; but that however the subject would be taken into due consideration.

Earl *Temple* bore evidence to the accuracy of Mr. Long's statement.

Mr. *C. W. Wynn* wished to know, whether it was the intention of government to relieve the parishes from the unjustifiable burdens imposed upon them by the system of volunteering into the Local Militia? He wished also to know, whether any allowance would be made to the smaller corps of Volunteers, as otherwise he feared, that this valuable force would be considerably diminished in the course of the present year. He wished also to put the June and August corps on a similar footing with other corps.

The *Secretary at War* said, that the points alluded to by the hon. gent. were already under consideration, and would be duly attended to.

Mr. *H. Martin* said, that there were 40,000*l.* for telegraphic buildings in Ireland in the Estimates. The state of the atmosphere in Ireland was so unfavourable, that some explanation ought to be given when such a sum was required.

Sir *A. Wellesley* observed, that an attempt had been made to convey intelligence by telegraph through Galway and Athlone to Dublin, instead of the former communication by the circuitous line of the coast; and though this might be more expensive at first, it would ultimately be cheaper.

Mr. *M. Fitzgerald* said, that the Royal Malta regiment was said, on one occasion, to have thrown down its arms. It was important that this should be contradicted, if not true; and if it was true, the expence ought to constitute no part of the recruiting fund of this country.

Mr. *Wilberforce* expressed surprize at the system which still prevailed about Army Chaplains. As for the description of persons who were chaplains about ten years ago, he had an instinctive feeling, which made him wish to get rid of them. He wished, however, that our army should have the benefit of religion free from the abuses of the former institution. If soldiers went to the parochial church, they often found there was no accommodation for them; and as to saying prayers for them at a different hour, it was depriving the parish church of what was most interesting in public worship, when all ranks and degrees assembled together, to worship their common father and benefactor. He thought that it was of the utmost importance that armies, going on foreign service, should have proper clergymen to administer the consolations of religion to the wounded and the dying. He thought there ought also to be some religious instruction and consolation for the many Black Regiments in his majesty's service in the West Indies.

The *Secretary at War* repeated, that considerable improvements had already taken place in the appointment of Chaplains, and still further improvements were intended As to the conduct of the Malta Regiment, he had not information enough on the subject to enable him at present to give an opinion.

Mr. *W. Smith* said, there was a subject which he had long wished for an opportunity to allude to, and which he did not yet wish to make any regular motion about. As he considered it connected with our military means, he should take the present opportunity of stating it. The island of Sicily had long been occupied by our troops, and was dependent upon them for its defence. Now, though he was averse, generally, to the principle of interfering in the affairs of another government, yet, when we took upon us to defend Sicily against all attacks, we should be justified in seeing that the government of that country took proper measures for their own defence. The accounts of all travellers for the last century coincided in stating, that the Sicilians were by no means attached to the Neapolitan government, which was most intolerably oppressive. He had some conversation with sir John Moore before he went to that island, and it was the opinion of that gallant officer, that the island was in some danger on that account. Another gallant officer (sir John Stuart), who was a distant relation of his, had expressed to him the same idea. Now, he thought we could do our business more efficaciously, with a smaller body of men, if we would but suggest to the government of Sicily the necessity of adopting such measures as would secure the affections of the inhabitants. Having thrown out this idea, for the consideration of his majesty's ministers, he did not mean to press it further, or to make any motion to the house upon it.

The several Resolutions were then put and agreed to.

[Navy Estimates.] Mr. R. Ward rose to move the Navy Estimates.

Sir *C. Pole* thought that the Navy Estimates should be delayed until the house had time to consider the Reports of the Naval Commissioners, upon which those Estimates were founded. The Fourth Report was, as he had understood, only laid upon the table of the house that day.

Mr. *Ward* had no objection to put off the Estimates for a certain time, in order to give gentlemen time to read the Reports; he must, however, deny that these Estimates were altogether formed from those Reports. The various items of the Navy Estimates had been before the house a long time, and gentlemen could see they were only the common and ordinary charges.

Lord *H. Petty* thought, that if this Fourth Report, which had been laid upon the table that day, contained the reasons which induced the lords of the admiralty to present those Estimates, the house should have time to examine that Report, and judge of those reasons.

Mr. *Whitbread* thought it strange that Reports, stated to be made in the year 1807, should not be laid on the table of that house till 1809.

Mr. *Wellesley Pole* said that it was the general custom, when a Report was made, to send it to the board to which it related, in order to regulate its conduct. They were afterwards got back from those boards to be copied, and as those Reports were many and voluminous, the copying of them necessarily took up a great deal of time. He was free to admit, that he had not conceived that it would be material to have the Report sooner on the table. The Fourth Report had been acted on for some time, had been printed by the navy board, and was pretty generally circulated. He confessed he had waited till all the Reports were copied, instead of laying them on the table one by one.

Mr. *Ward* said that of the 1,500,000*l.* which the Estimates of the present year exceeded that of last year, 1,275,000*l.* was for transports.

Mr. *Whitbread* thought the hon. gent. ought to have presented the Reports of the naval commissioners one by one as they came out, and not have waited till they were collected in large folio volumes, which the house had not time to take into consideration.

Mr. *Wilberforce* thought, that the Reports ought to have been laid on the table the first day of the session, but he did not think there should be any longer delay in bringing forward the Navy Estimates than till next Friday.

Sir *C. Pole* said, that he certainly did not disapprove of that part of the increase of the expenditure, which proceeded from giving an augmentation to the salaries of the Clerks in the Admiralty. He thought, however, that the board of admiralty had been guilty of great extravagance, and that there must be considerable irregularities in paying the different ships. The crew of the Saturn, a 64, had been seen parading about the streets of the metropolis, and had gone down in a body to the admiralty to demand their pay. He disapproved of the appointment of the additional Commissioners of the Navy, and feared that those appointments were obtained through private influence, and that it was not for the good of the service.

Mr. *Wellesley Pole* said, that as to the appointments of the persons who were to be the naval commissioners, lord Mulgrave had made it from a list which had been returned to him by the naval lords, of those captains that were most fit to be commissioners in the navy, and that from that list the appointment was offered to each according to his seniority. As to the crew of the Saturn, the real story was this: That ship had been a long time in India, and on her return to this country, the men got leave of absence from their captain. It was a regulation introduced by the present admiralty, that when a ship returned from having been long abroad on a foreign station, the men were to receive immediately a certain proportion of their pay, and to have leave (if their captain permitted them) to go and see their friends. Now, the Saturn happened not to fall directly within the order, for receiving a certain proportion of pay. The men, however, got leave of absence, and finding themselves in London without money, they waited at the admiralty, and respectfully asked for a part of their pay. They were ordered to return, and report themselves to their captain, which they immediately did, and by the orders of the admiralty, they received that proportion of their pay, and got farther leave of absence to see their friends. As to the Victualling board, the abuses in that department had been so gross, that it was absolutely necessary to make some changes. He would instance one case, where a man charged 4,000 ton of casks more than existed, and yet his accounts were passed as perfectly regular. The duties of the victualling board had been increased twelvefold since 1798. He meant nothing disrespectful of those dismissed; they had long been in the service, and were very respectable men; but both Mr. Marsh and Mr. Budge were very infirm, and desirous of retiring. Lord Mulgrave called on the members of the board for their opinion, and on their suggestion, he chose Mr. Browne and Mr. Hobbin, the former of whom had been secretary to lord Keith, and the latter secretary to lord Howe. When lord Mulgrave came to the admiralty, it had been previously determined, that Mr. Harrison was to retire from the public service on 500*l.* a year, being 3-8ths of his salary, and his place he gave to col. Welsh, who had long been an officer in the public service, was a man of business, and a great part of his business was to provide necessaries for the army.—The hon. gent. entered into a defence of lord Mulgrave, as to the appointments which had been alluded to, and insisted, that the Estimates of the Navy did not depend on the Fourth Report, on which so much stress had been laid by the hon. bart. and assured the committee, that whenever the subject came before them, he would be glad to meet the hon. bart., or any other member, on every point which they embraced. He was glad, however, that his hon. friend (Mr. Ward) had agreed to postpone the consideration of them till Friday.

[Mr. John Annesley Shee.] Mr. *Bankes* (Chairman of the East India Committee to enquire into the Sale of Places, &c. in the Company's service) rose in his place and addressed the Chair.

The *Speaker* desired the Serjeant might be called, who immediately appeared at the bar. The Speaker asked him if he had any thing to communicate to the house relative to Mr. John Annesley Shee?

The Serjeant answered, that Mr. Francis Wright, one of the messengers, had been to Mr. Shee's lodgings for the purpose of serving the Speaker's warrant on him, but that he was not to be found.—Mr. Francis Wright was then ordered to attend; and he stated at the bar, that on Tuesday evening last, he received the Speaker's warrant to take into his custody the said

J. A. Shee; that he went accordingly to his lodgings at No. 31, High-street, Mary-le-bone, and on enquiry for him was told he was gone out, and would not return till evening. He waited there till midnight, in expectation of his return, but Shee never came. He went again on Wednesday, Thursday, and Friday, but he was not returned. Mr. Wright, on the Friday, proceeded from No. 31, High-street, to No. 51, Upper Mary-le-Bone-street, where J. A. Shee had formerly lodged, and where he had advertised the sale of Commissions in the Army, &c. under the firm of Shee and Calvert; but the said Shee was not there, nor had been for a great while, nor did they know any thing of him. He was ordered to withdraw.

Mr. *Bankes* then moved, That it appeared to the house the said John Annesley Shee had absconded to avoid being examined: which being agreed to, he moved that an Address be presented to his majesty, in the usual way, praying him to issue his Proclamation with such rewards as to his majesty should seem meet, for apprehending and taking the said John Annesley Shee, alias Calvert, which was ordered.

[Corn Distillery Prohibition Bill.] The order of the day being read for taking into consideration the report of this bill,

Sir *J. Newport*, in allusion to what had fallen from Mr. Foster on a former night, declared his conviction, that the Irish people, far from burning with a disposition to resist the laws, were well disposed to respect them, if government would apply themselves to the correction of what was improper in the administration of those laws. If the right hon. gentlemen were desirous to confer a benefit on Ireland, he assured them they would do infinitely more to tranquillize the people by comprehending Ireland under this act than by all the penal laws on their Statute book. The right hon. gent. (Mr. Foster) had on this occasion furnished him with argument against himself. He had proposed considerable augmentations to the different Charities in Ireland, on account of the encreased rate of provisions in 1809 more than in 1808. And with the same breath he proceeded to allow the distillery from corn in Ireland, as if corn in that country instead of rising had fallen in price during the latter year. He concluded by moving that the Report be recommitted for the purpose of introducing a clause, extending the prohibition to Ireland.

Mr. *Fuller* was ashamed of ministers, for the way in which they had treated this question. Of all weak questions which had been agitated in this house, the present, he thought, was the weakest. If they could not check illicit distillery in Ireland, were they therefore to allow it to go on at full swing? On the same principle should they allow smuggling to take its course in this country. He was really ashamed of ministers. This seemed to be a question as to which of the two Chancellors of the Exchequer wore the breeches. They were wrong in letting out such private quarrels, which would be better concealed. He did not wish to say any ill of the Irish, but he believed they only wanted catching and taming. By allowing them to carry on illegal distillery, we only made them ten times worse. He advised the Chancellor of the Exchequer of England not to yield too much to the Irish Chancellor; else he would find him like an amiable female they had seen in that house, Mrs. Clarke; the more was conceded to him, he would look for so much the more.

Sir *T. Turton* could not perceive why the prohibition should not be as extensive as it was last year. The prices of corn were as high, the ports of the continent were closely shut. Common sense and the justice of the case demanded that the prohibition should be extended to Ireland. By the act of Union it was declared, that a reciprocity of interests should exist between the two countries; not that the landed interest of the one country should be upheld at the expence of the other. Wheat was five guineas a quarter; barley, 2*l.* 11*s.* oats, two guineas, the quartern loaf was 14*d.* Under such circumstances, if corn was as abundant in Ireland as it had been stated to be, he begged for God's sake that we might have it here. There was great reason to believe that a considerable proportion of the wheat sown last year would be worth nothing. It became, therefore, doubly incumbent upon us to husband our present resources. He denied that, in the measure of the last session, the interests of the West India Merchants had been expressly consulted. The Report of the Committee to investigate the subject had recommended the prohibition of distillation from grain, on the ground of the scarcity of grain, not as a boon to the West India Merchants. As therefore no boon had in that case been given to the West India Merchants, so either was it right to give a boon to the nded interest of Ireland at the expence the general interests of both countries.

Mr. *Hibbert* said, that the bill, in its prent shape, considering the object at which professed to aim, was indeed of a most xtraordinary character: before he stated s opinion concerning it, he begged to say ne word of the measure of last year, hich did not originate in the distress of e West India commerce, although it ould have been folly and affectation not perceive that the relief of that trade ight be in part effected by the temporary measure which was then, upon other nd independent grounds, adopted. He wed it to the house to say, as others had one, that the result to the colonial trade ad been greatly and critically beneficial. is hon. friends who had given their opposition to that measure upon principles ood and sound, but admitting of exception (and the house and the country had dged it right to interpose such exception) would, he was persuaded, hear this cknowledgment with pleasure. Indeed, eir objections lay against the precedent hiefly, and against the continuance of e restriction, under present circumances, they appeared to have little to rge.—Of the bill now before the house, e wished to speak with parliamentary reedom; it was a compound of materials o contrived as to neutralise each other, a eries of positive and negative quantities, lus and minus, minus and plus, that, when ou come to count them altogether, amountd to just nothing. It professed to aim t the œconomy of grain, and it was plain nough that the empire in general stood n need of such œconomy; but this meaure would directly stimulate an extra onsumption of grain in one part, and to hat part grain might be sent from every ther part of the empire; we dread the vil, and yet appoint for it a legitimate xistence; in Great Britain we must not anufacture spirits from grain, but we now they will be corrected there, and e permit them to be made in Ireland, here we are told that illegal traffic reigns ithout controul. If we could, by art and ngenuity, produce from sugar a spirit hich might prove popular in Ireland, hither we cannot send it; but grain we ay, and grain, even at excessive prices, hey will take from us, because the best rain is most profitable in distillation. Of ll the descriptions of grain, it is of oats hat we most apprehend a scarcity. Oats are what Ireland can best supply, and yet oats are what she is most apt, and is now to be encouraged to distil. These were extraordinary circumstances to be found together in one measure, and demanded some better explanation than had yet been afforded to the house.—No one denied that, in the Act of Union, there existed provisions which, for the benefit of both parts of the empire, ought to be revised and altered. But it was one thing to interpose a temporary interruption of the intercourse with a view to remove those inequalities, and quite another to shew, as this bill would shew, that we are not in fact an united empire, that our interests are essentially distinct, and that one uniform law will not suit us. Surely this was the happy moment for impressing on both parts of the empire the benefits of the Union. Upon England, by proving to her in an hour of alarm and anxiety for food, (the Continent and America still shut against her,) the advantage of her Irish granary. Upon Ireland, by extending, even to her most remote and unfrequented markets, the benefits so much wanted of English demand and English capital. These advantages, however, were to be slighted; the price of grain in Ireland was to be sustained by expedients of a more narrow and selfish character, and the cultivator taught stupidly to intoxicate himself with his produce, even on the field where it was grown, rather than feed the sister country with it, and thereby enrich and support both. Such a measure he could have expected from no one but from a systematic and bitter enemy of the very principle of the Union.—In reply to these considerations, the only argument he had heard was that of the Chancellor of the Exchequer for Ireland. "We have, said that hon. gent., grain enough for both the purposes; we can supply your wants and still have plenty left for distillation, and, if you forbid the use of grain in the distilleries of Ireland, you will not (I almost thought he said you shall not) save one grain of corn by your law." Are we to take this for granted, contradicted as it is by the petitions on your table, and by the lamentable evidence of excessive prices still progressively increasing? Are we to admit the fact of the actual detection and destruction of unlicensed stills in Ireland as a proof that they cannot be detected and destroyed? Is it with the revenue law in general as we have heard it is occasionally with the tolls, where the gate-man opens the gate to the gentleman as he rides through, and asks, with hat in hand, if his honour pleases to pay to day? If 150 private stills have in one district been destroyed in one morning are we to conclude that 150 rise at once from their ruins? All illicit trade, even Irish illicit trade, must be carried on under risk, disadvantage and extra expence, more or less, and could not exist except there was, in the provision of the law which it meant to elude, a commensurate premium to set against these disadvantages. This premium might be the subject of precise calculation, three shillings might not do it in some particular case where four shillings barely would, and five would put the matter past all doubt. This premium the measure of last year had held out; this the Chancellor of the Exchequer of England confessed when he allowed that the trial had not been a fair one, and the Chancellor of the Exchequer of Ireland, while he denied it in words, yet admitted it in effect, by saying that if ever the distillation from sugar was again attempted in Ireland, he would advise that it should be subjected to a lower duty than that last year imposed. He represented the stills in Ireland as multiplying like the heads of Hydra, but even the monster Hydra had yielded at last to Hercules; and really his rt. hon. friend had accomplished such mighty labours, that, with the help of major Swan for his Iolas, he ought not to despair of overthrowing and finally trampling under his foot this many-headed monster of Irish illicit trade. At all events, he thought it would not be adviseable for the house to afford to that gentleman a new opportunity of proving, by measures of his own contrivance, the truth of his favourite maxim, that in matters of agriculture legislative interference was not only futile but dangerous. His rt. hon. friend would doubtless at some future day convince the house from this bill, to which he had given its present shape, that if you desire to legislate with effect you must not introduce into your law the germ that will blight the fruit you expect from it.—There was nothing upon the table, nothing brought to the bar to prove the statements of the rt. hon. gent.; they were sustained only by good round energetic assertions, and by the influence of his commanding eloquence. He trusted that the house would not lay its discretion at the feet of the rt. hon. gent. but by recommitting the bill, with an instruction to extend its provisions to Ireland, give at least one fair trial whether for an object so generally momentous it was not yet possible to pass one uniform measure of legislation for the United Empire.

Sir *R. Peele* expressed his conviction that if the bill were passed in its present shape, the most fatal consequences might ensue. He wished that the two countries might go hand in hand; and mutually assist one another. The north of England stood very much in need of the produce of Ireland. Owing to the depression of manufactures and trade, the people there were not half fed. The oats of Ireland would satisfy them. They had hitherto conducted themselves with great temper and patience; but if they understood that a part of that which might be appropriated to their support was allowed to be consumed, not in the preservation, but the destruction of man, they might probably not remain so well satisfied.

Sir *A. Wellesley* declared himself to be of opinion that the people of England would not get a grain of corn less out of Ireland, if the bill should stand as it then was, than if the prohibition were extended to the latter country. Grain in Ireland was much more abundant than in the last year. The price of provisions would show this, for though comparatively high in the market of Dublin, it was much lower in Ireland in general. If he thought that the measure would bear hard upon G. Britain, he would unquestionably vote against it; but being satisfied of the contrary, it should have his cordial support.

Mr. *Curwen* described the scarcity of oats in the North of England, and particularly in Cumberland, to be very great. They were not able to get them from Wexford under 37*s*. per quarter. He was desirous that the prohibition should be extended to Ireland, and he was satisfied that it would not at all injure the agriculture or interests of that country. For the purpose of preventing the illicit distillation, a reduction might be made in the duties on the spirits distilled from sugar; and in the present flourishing state of the revenue, such a sacrifice might be well made in preference to bearing hard upon the people. He recommended that if the present bill should be passed, its duration should be limited to two months, in order to give time for an ample investigation of the expediency of a more permanent measure.

Mr. *Parnell* declared that the present

ll was a direct violation of the Act of nion, and one of a nature unprecedented ce the passing of that act. By that act, inal and permanent adjustment of com-ercial jealousies had been made, and the use ought to pause, before it enacted a v which distinctly violated that com-ct.

Mr. *Foster* complained, that the right n. bart. (sir J. Newport), had misrepre-nted him, when he stated that he had d the people of Ireland naturally dis-eyed the law. All that he had observ- on that subject was, that the lower orders om their ignorance of the law, held it in ter contempt, and were guilty of dis-edience to it. The right hon. bart. had mself declared that the higher orders were least as apt to encourage the infraction the law as the lower orders to commit it. therefore, he could for a moment sup-se (which he did not) that such was the ght hon. baronet's intention, he might fer that he meant to extend the accusa-on of a proneness to disobedience, to a uch greater sphere. The right hon. rt. had said, that he (Mr. F.) induced e Committee of Supply that evening to te increased sums to public Charter hools, on the ground of the increased rice of provisions. It was on the ground the increased price of other articles esides provisions: of clothes, &c. If e present bill were to hinder corn ming from Ireland to England, he ould not urge it. But it was only to revent the corn from getting into the ands of the private distillers, and thus timately from injuring the morals of the ountry. Not one-third of the illicit stills Ireland had been seized; and yet it as computed that by that one-third, no ss than 800,000 gallons of whiskey had een made in a month. The quantity re-aining on hand of the foreign spirits hich had been imported into Ireland since st July sufficiently evinced the enormous upply from the private stills. Adverting a statement made by an hon. gent. that ats could not be obtained in Cumberland rom Wexford under 37*s.* a quarter; he xpressed his surprize at this circumstance, s he held in his hand an official return rom Newry, (directly opposite to the hores of Cumberland), dated Feb. 11, in hich the price of oats was stated to be 5*s.* and 2*d.* British per quarter. In other laces the price was somewhat less. An on. gent. behind him (Mr. Fuller) had alked of catching and taming the Irish. Part of them had been caught in the net of the Union, did they require taming? He wished the hon. gent. would come over to Ireland, and see if the Irish were as wild and as violent as he represented them to be. On the contrary, he was satisfied that although the speech which the hon. gent. had made that night were tied about his neck, he might travel from one end of Ireland to the other in perfect security, and he was sure that he would every where meet with the greatest hospitality. He denied that the bill was any violation of the principle of the act of Union, although it might appear to be an infringement on the letter of it.

Mr. *Browne* stated, that to his certain knowledge conditional orders had been sent to this country from Ireland, to transmit thither very large quantities of grain, provided the prohibition of this distillation should not be extended to that country.

The *Chancellor of the Exchequer* represented the improbability of such a circumstance, if the hon. gent. meant that any but seed corn had been so ordered. For the price of grain being dearer in G. Britain than in Ireland, it was extravagant to suppose that it could be intended to buy in the dear market for the purpose of selling in the cheap.

The question being loudly called for, the gallery was cleared, and a division took place,

For the original Motion - - -	61
For the Amendment - - -	99
Majority against Ministers	38

The House then went into a Committee to consider of the propriety of encouraging the importation of Flax Seed into Ireland.

Mr. *Foster*, after stating that this was merely a temporary measure, which he trusted would lead to the culture and preservation of the article in sufficient quantity for the uses of this country, proposed, that a bounty of 5*s.* per bushel should be allowed on the first 50,000 bushels of Foreign Flax Seed, imported into Ireland, from the 8th of March to the 8th of April, 1809.

After some observations from sir T. Turton, Mr. Rose, and sir G. Hill, the Resolution was agreed to.

HOUSE OF COMMONS.

Tuesday, February 28.

[Shee committed to Newgate.] Mr. *Bankes* moved, that in consequence of the voluntary surrender of John Annesley Shee, the order which was yesterday made, for an Address to his majesty, respecting his apprehension, be now discharged. Agreed to. He then put the following Resolutions, which were also carried.—" 1. That J. A. Shee, in consequence of his gross prevarication before the East India Committee, be committed to his majesty's gaol of Newgate.—2. That the keeper of the said prison do, to-morrow, and from time to time during the term of the said Shee's confinement, bring him before the said Committee in order to answer such questions as the Committee may think necessary to put to him."

[Widows of Navy Officers' Pension Bill.] Mr. *W. Wellesley Pole* moved for leave to bring in a bill for the more convenient payment of the annuities and other allowances to the Widows of Naval and Marine Officers, and those on the Compassionate List. About the year 1732 a fund was established, by the government of that day, for the relief of the widows of the officers of the navy, towards which it was deemed expedient to levy a deduction of *3d.* in the pound, upon the pay of all commissioned and warrant officers, and also to establish an allowance from all ships in the service, under the denomination of widow's men, i. e. the pay of one man out of every 100 men in each ship's company, was to be appropriated in aid of the said fund. After some years had elapsed, this was found insufficient, and the pay of an additional widow's man was added. In this way the fund had proceeded up to the present time, but occasionally it had been found inadequate of later years: however, it had considerably increased; so that the fund was now rich, having a stock of 170,000*l.* in the 3 per cents., and the number of widows relieved from it in the last year was no less than 1,800. The rates of allowance began with 80*l.* a year to captains' widows, and descended in proportionate gradation to those of warrant officers. But it had been found, in the management of this fund, that great inconvenience and distress had arisen, in consequence of the widows being obliged to apply annually in London for their allowance. One of the objects of his bill, therefore, was to enable the court of assistants to pay them quarterly at their own houses, wherever resident, in the same manner as was settled for the more convenient payment of the widows of military officers, by a bill passed about two years since. He had much conversation with the person who managed this business at the war-office, and found there would be no difficulty in assimilating the disposal of the naval fund. It would be desirable also to extend this mode of relief to others who were objects of the charity, though not exactly in the same way. The board of admiralty had addressed his majesty, praying that he would be graciously pleased to order, that the donations to persons upon the compassionate fund, should, in like manner, be paid quarterly to those appointed to receive them, at their own houses. His majesty was pleased to approve of this; and it was another purpose of his bill to enable the board of admiralty to select such objects as were properly entitled to aid from the compassionate fund: to allow them such sums as they should think fit, and transmit their allowance quarterly. These sums to be charged yearly in the ordinary estimates of the navy.—It was also intended to transmit the half-pay of marine officers to them in the same manner as to those of the army, and therefore the bill would enable them to receive it at their houses. He thought it fair at the same time that he proposed to include the allowances of the compassionate list in the annual estimates of the navy, that he should abolish the allowance called indoors' men, which were now regularly charged in the accounts of every vessel in the service. He concluded by moving for leave to bring in the Bill; which was accordingly given.

[Call of the House.] Lord *Folkestone*, pursuant to notice, rose to move that the house be called over on Wednesday the 8th of March. The question to come before the house that day was of the utmost importance, and therefore he conceived that the fullest possible attendance of members was necessary. With that view, and with that only it was, that he should now move for a call of the house on that day.

The *Chancellor of the Exchequer* said, that he should not have thought it necessary to make such a motion, when he considered the manner in which the house had been attended during the whole of the time when the important subject alluded to by the noble lord was under investigation; and therefore he had no doubt of a full attendance upon the day appointed for taking that most important subject again into consideration. The question, as the noble lord had justly observed, was one of the utmost importance, and it was his own wish that in all its parts it should meet the most grave and solemn consideration before the fullest possible attendance of members. He therefore, abstained from any resistance to the motion, feeling as he did, that however unnecessary he might conceive it to be, yet any opposition to it on his part would be subject to animadversions not of the most liberal nature. But in giving his assent to the motion, he trusted that the question of that day would not be further delayed. The motion might have the effect of securing the attendance of all members in town, or within a short distance. But it could not be expected that in so short a notice as eight or ten days, any thing like an effectual call of the house could be had. But it was not because the call could not operate to its fullest extent that it was not therefore to be adopted.

Lord *Folkestone* assured the right hon. gent., that he had no intention of further postponing the business, neither was any such intention entertained by his hon. friend (Mr. Wardle).

Mr. *Bathurst* thought the call of the house equally unnecessary and improper. He should think it quite impossible that in so short a period as eight days, it would have any effect in bringing gentlemen from the remotest corners of the united kingdom. It would be merely a call in name, and not in effect. From the full attendance of members during the whole of the inquiry, there could be no doubt of a full attendance on the night of discussion; and although a tolerable opinion of a subject might be formed on written evidence, yet perhaps it was going too far to call on members coming from a distance, who would not have time to examine and consider the printed evidence, after their arrival in town, in order to form their opinions to decide upon so solemn a subject perhaps the day after.

Mr. *C. Adams* approved of the motion for a call of the house, and thought, that although it could not be expected to procure the attendance of members from Scotland and Ireland, yet if it only obtained that of half a dozen additional members, upon such an occasion, even that would be of some importance.

General *Gascoyne* also thought the call could not be effectual. It appeared to him that to attempt enforcing this call at so short a notice, would be an abuse of the power of the house, and tend to defeat its authority on future occasions. Members at a distance would suppose it a serious call, and no doubt expect that they would be allowed a subsequent day to offer their excuses; so that the object of the present call would be defeated.

Lord *Folkestone* said he felt the call could not be so effective as was desirable, upon so short a notice; and was himself very sorry it had not occurred to him to move for it at an earlier day. He hoped, however, the house, in justice to its authority, would enforce the call for the 8th of March; for however it might be afterwards disposed to excuse those members who could shew reasonable cause for their non-attendance then, he could hardly suppose that some question would not arise out of the proceedings of that day of the utmost moment, which would, at an early subsequent day, call for solemn decision, and consequently render necessary the fullest possible attendance of members.

Mr. *Bankes* thought that a call of the house, on so short a notice, was unprecedented. It was something so preposterous, that when he heard of the noble lord's avowed intention, he thought it quite impossible that he could be serious. The attendance of the house already upon this subject had been remarkably full; they had divided more than a majority of the whole house, and he did not think that at the present season, and at so short a notice, there was any chance of a further attendance. Besides, he would ask, was it a desirable thing that members who had never heard a word of the evidence in this case, should be called on to decide upon the question, who perhaps would not arrive till the day before, and could not have time to read or consider the written evidence? There were many members who did not wish to interfere in this question. Was it desirable to bring such men from the remotest corners of Ireland or Scotland? And, besides, though the house had authority to enforce their attendance at a call on that day, it had no authority afterwards to prevent their going out again, or to force them to vote. He was decidedly opposed to the call, and should take the sense of the house upon it.

Sir *J. Newport* said, that the hon. member who had all of a sudden shewn so much tenderness towards the members from Ireland, and reluctance to inconvenience them, had asserted that a call at so short a notice was unprecedented. He would beg leave, however, to refer him to the Journals, so recently as the 11th of last February, where there was an order that the house be called over on the following day.

Mr. *Bankes* answered, that this was in the case of a ballot for an election committee, where the call was pending *de die in diem.*

Lord *Folkestone* instanced another case on the Journals during the discussion of the Slave trade in 1791, where there was a call of the house at eight days notice.

The question was now put on lord Folkestone's motion, when the house divided,

Ayes	102
Noes	15
Majority for the Call	87

[Duke of York's Letter to the Speaker.] Mr. *C. Wynn* stated, that in consequence of what had passed in the house on Friday last, he thought the subject which had been then alluded to was of a nature that required that parliament should express its opinion upon it. He rather wished that the business should have been taken up by some member of greater experience. He, however, felt so strongly convinced of the necessity of some Resolution, that he should, without losing any time, give notice, that it was his intention to move a Resolution, "That it was consistent with the duty and privileges of that house, to come to a determination on Evidence examined at their bar, without submitting the case to any other tribunal." Although this question had no necessary bearing upon the subject which was to be discussed next week, yet as it might have a collateral and indirect bearing, he wished to defer moving that Resolution, until the house should come to a decision on the question. He hoped the great importance of the subject would excuse him to the house, for giving this notice in a more detailed form than was usual.

The *Speaker* asked the hon. member what day he chose the notice to stand for.

Mr. *Wynn* replied for Monday se'nnight.

The *Chancellor of the Exchequer* thought, that it would be a fairer way to have this Resolution brought forward before the discussion, in order that the matter might be put at rest, and that there might not be a suspicion suspended over the head of his royal highness that, in writing that letter, he had acted contrary to the privileges of that house. Although he did not wish to multiply discussions upon this subject, yet he was persuaded that this was a matter which could be easily explained.

Mr. *Bathurst* agreed perfectly with what had fallen from the Chancellor of the Exchequer. If there had been any violation of the privileges of that house, the common course was, that complaints of breach of privilege took precedence of all other discussions. When the consideration and rank of the party accused were taken into the account, he thought, however, a great deal of latitude and indulgence should be allowed. For these reasons, as well as those which had been stated by the Chancellor of the Exchequer——

The *Speaker* here interfered, and stated, that it was contrary to the usage of the house to enter into any discussion on notices given. There was, perhaps, some little irregularity in introducing a notice with observations, but there never could be discussion upon a mere notice of a motion to be made on a future day.

The motion was then fixed for Monday se'nnight.

[Sicily.] Mr. Sec. *Canning* rose to make some observations on what had fallen on a former night, from an hon. member (Mr. W. Smith), whom he was sorry not to see then in his place, upon a subject that it would have been his duty to have answered him on that night, if he had then been in the house. He could not help saying, that the topic alluded to was one of those that ought not upon light grounds to be stated to the house. Although it was supposed that nothing was repeated that passed in that house, yet the fact was well known, that what was stated in that house was not only read in this but in other countries, and the common enemy could derive great advantage from any thing which could tend to make jealousies between his majesty and his allies. The statement of the hon. member was, as he was informed, that the Sicilian government and nation were in such a state that it was our duty to propose something of political regeneration to them. He could assure the house, that there existed the most cordial good understanding and co-operation between the government of this country and the Sicilian government, as also between the armies of the two countries. Our officers regulated almost all their military operations, and it was understood that if there was any attack, the British commander in chief should have also under his command the Sicilian army, which was very respectable in point of numbers. This was a mark of confidence which few other foreign nations ever reposed in us. He therefore thought it might be of dangerous consequences for our allies to hear themselves in a manner reviled in the British parliament. He was sure that the hon. member could not have been perfectly aware of the mischief which such a statement might have produced, or he would not have mentioned the matter publicly in that house.

HOUSE OF COMMONS.

Wednesday, March 1.

[Bankrupt Laws Bill.] Sir *Samuel Romilly* rose pursuant to notice, to move for leave to bring in a bill to alter and amend the Bankrupt Laws. In bringing this subject before the house, he rested not merely upon the notice which he had given; but also upon what he had stated to the house three years ago. He then said, that all he proposed to do was, to render the system less defective, and not to free it from all objection. He repeated the same thing now: some indeed had been so struck with the many glaring defects of the system that they thought it ought to be abolished, and a new one substituted in its place. But he confessed that he had not sufficient confidence in himself to undertake such an Herculean labour, and all he could do was, to attempt to reform some of the most obvious defects of the system.—The first defect to which he would call the attention of the house was this; that a trader, after giving up all he possessed in the world to his creditors, was still liable for many debts, the proof of which could not be received under the commission. This was the case, in direct opposition to the principles of these laws, which was, that a trader having given up all his effects, ought to be free from all claims contracted before the period of that bankruptcy. The most numerous class of debts of this kind consisted of those for which some one else was liable as security. These surety debts did not legally arise till after the commission. The consequence was, they could not be proved under the commission, and the consequence of that again was, that the bankrupt was still liable. The remedy which he meant to propose for this was, that the sureties might prove their debts under the commission, provided they paid them at any time before the final dividend. The effect of this would be, that the bankrupt would be exempt from any liability for these debts upon obtaining his certificate.—The second defect under the existing Bankrupt Laws was that the assignees were in the habit of using the bankrupt's effects for their own advantage, and of speculating with the property before the dividends, as if it were their own. The consequences, as he himself had witnessed, often were, that the assignee became bankrupt, and the creditors had, in the end, only the remainder, after a bankruptcy upon a bankrurptcy. A remedy for this had been proposed some time ago in the house of lords, and a Bill brought in to affix certain heavy penalties to the offence. The object might be attained without so severe and troublesome an operation. Though the creditors had the power of appointing a bank where the property should be placed, yet at present it often happened that they neglected to do this, and that the property remained under the controul of the assignees. The remedy which he intended to propose was, that if the creditors did not appoint a bank to receive the property, at an early period, the Commissioners should be bound to do it; and that, if after that the assignees should retain any part of the property, it should be imperious upon the Commissioners to charge 20 per cent. on the money so retained. He imagined that this would be sufficient to prevent the abuse, or at least that it would go a much greater way towards that desirable object than any severe penalties that might be enacted.—The third defect in the system was, the expence and uncertainty of proceedings under Commissions of Bankruptcy. In actions by the assignees to recover debts due to the estate, it was incumbent on them to prove an Act of Bankruptcy, and a petitioning creditor's debt, and in many instances the debtors of Bankrupts were induced to withhold the payment of their debts, in the hope that the assignees might find it impossible to establish them. The remedy which he would propose was, that in actions by the assignees, that they should not be obliged to prove the proceedings as above stated, unless the defendant gave notice some time before that he meant to contest any of these points. And he would also propose that the mode of recovering from the assignees should not be by action as at present, but by petition to the Chancellor.—The fourth amendment which he would submit to the house, was, of all the other points, that of the greatest importance. This was, to take from the creditors the power which they possessed, without any controul, and without the obligation to assign a reason, of refusing a certificate to the bankrupt when they chose. He requested of the house to consider the situation of an uncertificated bankrupt; he could acquire no property, for whatever he gained might be instantly seized upon by the assignees; his industry was lost to himself and to his country, and he was liable to be imprisoned for life for debts contracted before the bankruptcy, which he was unable to discharge. By a statute in the early part of the reign of George the second, this power was given to the Chancellor, but by a subsequent statute of the same reign, it was enacted, that a bankrupt could not receive his certificate without the consent of 4-5ths in number and value of his creditors; so that however fair, honourable, and blameless, in a moral point of view, the conduct of a bankrupt might be, he was to labour under all the evils of the condition just mentioned, unless his creditors chose to relieve him. This choice often rested with a small number of the creditors, and sometimes the whole depended on a single creditor whose debt bore a large proportion to that of the rest. But this was not the only hardship to which the bankrupt was exposed by the statute just alluded to. Any creditor who could not prove under the commission, nor receive a dividend, was yet admitted to refuse the certificate, in order to give effect to his action. This involved the very serious consideration of imprisonment for life for debt. On that point generally he would at this time say no more than this, that in his opinion a man could not do a greater service to his country, than to procure the abolition of imprisonment for debt altogether. It was mischievous to the individual; it was pernicious to the public; and the worst of it was, that it made the creditor the judge in his own cause, and though the imprisonment might in many cases be just, yet it was certain, that in many cases also it was most unjust. But with respect to an uncertificated bankrupt it was always unjust; for the only object of the punishment was to compel him to do that which the law supposed impossible for him to do, and what indeed it rendered it impossible for him to do, unless he chose to be guilty of a capital felony. The punishment therefore in this case must be unjust. Consider what were the consequences; an irritated creditor, to whom the bankrupt might have given some previous offence, and whom he must have offended, in depriving him of his legal claim, however innocent the bankrupt might be. When the consequences that might result from such a relative situation were considered; a man exposed without defence to the mercy of an enraged enemy; it would hardly be possible to appreciate the extent of mischief which such a state of things was calculated to produce. The certificates were often withheld from the innocent, and given to the fraudulent bankrupt; for in fraudulent commissions it seldom happened that the certificate was refused. These certificates were often withheld for the purpose of extorting an advantage over the other creditors, as facts constantly recurring sufficiently proved. The law, it was true, gave several securities to the great body of creditors against such practices, but still they prevailed to a considerable extent. This held out a temptation to fraud to which no bankrupt ought to yield, certainly, but of which it was extremely impolitic to permit the existence. The temptation was too often indeed sufficient to overcome the moral principle. The parent was often tempted to assist the child, and the child the parent, in an improper way; and it was notorious that cases of this kind were constantly occurring. But there was another temptation to which the defect in question exposed the bankrupt, and that was to avoid making a full disclosure of his effects. When the creditors came forward to prove their debts, the bankrupt was sensible how much he was in their power, and did not give that assistance in examining the debts, which under other circumstances he might be inclined to do. And a case had occurred the other day in the court of Chancery, where it appeared that a creditor had refused to sign a certificate, because the bankrupt had suggested what turned out to be the fact, that he was endeavouring to prove a larger debt than was due to him. There also existed another motive to withhold the certificate. The bankrupt, until he obtained the certificate, could not be a witness in any thing that related to the estate; and the creditors who had any contest with respect to it, often refused to sign, in order to prevent e testimony upon which the verdict, and e justice of the case might depend. ithin a period of three or four years, re were more cases where certificates d been withheld than where they were anted.—In the year 1805, there were 0 commissions taken out, and of these 9 were uncertificated.—In 1806, there re 1084 commissions taken out, and of ese 601 were uncertificated.—In the last enty years, there were 16,202 commis-ns taken out, and of these 6,597 remained thout certificate. The evil had been und to be of such magnitude, that a mporary relief had sometimes been given. 1772, and afterwards in 1778, bills were ssed to compel creditors to give certifi-tes, unless they could shew that there as something fraudulent in the conduct the bankrupts; but this relief was con-ned to cases that had occurred previous these periods. This plan of temporary lief, however, was certainly not one that ght to be resorted to, if it was possible discover a remedy of another descrip-on.—If the thing was unjust at all, it was ways unjust, and therefore the remedy ght not to be temporary, but permanent. Ireland these temporary measures had een adopted more frequently than in this untry. Bills of this kind were passed in 86, in 1797, and then in 1799, being an terval of only two years. A bill was xt passed in 1800, being only an inter-l of one year; so that, in Ireland, had it ot been for the Union, the plan was in a ir way of becoming the subject of an an-ual law. But, since the Union, no such mporary act had been passed, and the stress that must have been produced by is suspension of a remedy, the nature of hich proved the necessity of some remedy, ight be easily imagined. The remedy e would suggest was not to take the power ut of the hands of the creditors; but that, the certificate was withheld for two ears, the bankrupt might petition the hancellor to allow the certificate, while he creditors might shew cause why the ertificate should not be granted. The hancellor would decide upon the merits nd allow the certificate, provided there ppeared no good reason to the contrary. —The only objection to this remedy, as far s he could judge, was the additional ex-ence which it would occasion in these roceedings; and in order to obviate this, e would propose that the additional pro-ess should be exempt from taxes. Of all axes, those which were imposed on law proceedings were the worst, with the exception of lotteries. Such taxes were perhaps popular, however, and therefore they had been but little considered. But, a very little consideration would shew how excessively hard it was to subject to heavy taxation, without distinction of fortune, those who only incurred these taxes in the struggle to do themselves justice. It was his intention to make this part of the bill not only prospective but retrospective.—It might be asked, however, why when a law was proposed for the protection of the honest bankrupt, something was not done to protect the creditor against the dishonest bankrupt, and to prevent the frequency of fraudulent bankruptcies? To this he could only answer, that at present he had no remedy to propose but one, which he rather thought the house would not adopt. The only remedy he could conceive was, to render the law more efficacious, by making it less severe. The cause of the frequency of fraudulent bankruptcies he believed was, that the fraudulent bankrupt was, upon proof of the fact, liable to lose his life. He had already stated that there had been upwards of 16,000 commissions taken out in 20 years; and though instances were every year occurring of bankrupts withholding their property, there had been, in the space of 80 years, only three prosecutions, and only one executed—he believed about the year 1759. Another had been convicted, from a mistake as to the facts of the case; but these being represented in their proper light to his majesty, he had extended his mercy to the bankrupt in question. There never perhaps existed a stronger instance of the inefficacy of laws owing to their severity. Was it surprising that few persons were found to prosecute when for an offence of this nature the punishment was death? Under such circumstances bankrupts were under the strongest temptations to with-hold their property. This was bad; but at the same time in point of moral guilt, was it worse than the case of a man who in a higher station with-held his property from his creditors, and spent it in personal gratifications? If the law had been less severe, it would have been more enforced, and the end would have been attained in a much greater degree.—The objects which he had in view would make a very material alteration in the bankrupt laws. The best method of proceeding, he imagined would be to bring in the bill, to have it read a first time, and to get it printed, and then to put off the second reading to a distant day. But he hoped that no one would require that the postponement should be beyond a month. He should be very sorry if the bill did not pass with every possible speed. Every day's delay was the cause of imprisonment and misery to a great number of individuals. If such a bill had been passed at the beginning of the present reign, what misery might it not have prevented? What an increase of industry might it not have produced? What wealth might it not have raised? How many persons who had passed their lives in poverty and distress might have been in a respectable situation? How many might have recovered their rank in life, and paid all the just demands upon them? There were some other objects of minor importance which he had in view, such as to prevent the vexatious consequences that often arose from secret acts of bankruptcy. He meant also to provide that bankrupts might be competent witnesses without releasing the sums to which they might be entitled in case their property came to a certain amount. He also intended to propose an alteration in legal executions in cases of bankruptcy. He concluded by moving for leave to bring in a bill to alter and amend the laws relating to bankrupts.—The motion was agreed to.

HOUSE OF COMMONS.

Friday, March 3.

[Plymouth Dock Police Bill.] The house having resolved into a Committee upon the subject of the Plymouth Dock Police,

The *Attorney-General* proposed that the chairman should move the house for leave to bring in a Bill for establishing a new Police for Plymouth Dock, for the purpose of preventing depredations upon the King's Stores. The learned gent. observed, that the king's shipping lying in the river Tamar, which divided the counties of Devon and Cornwall, facilities of escape to offenders were by that circumstance afforded, against which it was highly necessary to provide, in consequence of the number of the offenders, and the extent of the depredation. With this view, the Bill proposed the constitution of a local police or board of magistrates, who should be in constant attendance, and who, by having a certain proportion of the two counties subject to their authority, might be enabled to guard against the evil complained of.

Mr. *Curwen* was always, upon constitutional grounds, jealous of the erection of boards of this nature, because they served to increase the patronage of the crown, which was already so enormous, and which was so systematically advancing, that in time scarcely any man could escape its grasp; because they involved an augmentation of the public burthens, which he hoped speedily to see retrenched, or the public would have reason to despond indeed; and also, because they interfered with the authority of the independent magistracy of the country.

The *Attorney-General* assured the hon. gent. and the committee, that he would be the last man to interfere with the privileges, or even, if he might add, the prejudices of the magistracy, to whom he felt the country owed so much, and particularly from the circumstance of their services being gratuitous; but the establishment of a local Police was in this instance essentially necessary, and when he stated that the suggestion of that necessity proceeded from an honourable gent. on the other side of the house, the member for Plymouth, (Mr. Tyrwhitt) he supposed the suspicion of any desire to extend government patronage by this proposition would be obviated.

Mr. *Tyrwhitt* corroborated the statement of the Attorney General, and explained the necessity which called for the Bill.

The motion was agreed to, the house resumed, and the chairman obtained leave to bring in the Bill.

[General Clavering.] Mr. *C. W. Wynn* rose, pursuant to notice, to call the attention of the house to the conduct of brigadier general Clavering. But before he did so, he thought it necessary to state the reasons which induced his acquiescence in the delay that had already occurred upon this business. At the same time he must observe, that although he acquiesced in the delay, the impression upon his mind of gen. Clavering's prevarication, was so strong upon the last night of his examination, that he thought the Committee ought not to have separated without coming to a decisive resolution respecting it. There were many forcible reasons why such misconduct should have been brought to an early discussion. For if the prevarication of a man of the rank and station of gen. Clavering, were suffered to escape with impunity; if an example were not made in his case, the mischievous consequences likely to result must be obvious. But when he heard it

ked by some gentlemen, that this of-
r's examination upon a former evening,
s not, combined with his letters, suffi-
ntly fresh in their memory to come at
ce to a decision, the reason for delay
s too strong to be withstood. But there
s a still stronger reason in his mind for
asenting to delay. The Chancellor of
Exchequer stated, that the whole of
papers respecting the evidence would
be printed before the Monday follow-
gen. Clavering's last examination,
ile the discussion of the main question
s fixed for three days afterwards. With
s statement in his recollection, and na-
ally thinking that no subject of discus-
n should interfere in so short an in-
val, with that attention which every
ntleman must be anxious to give alone
d undivided, to a question of so much
portance, he did not conceive it proper
such a period to bring this motion for-
rd. But the discussion of the main ques-
n being postponed till Wednesday next,
d the whole of the evidence having been
fore the house since Tuesday last,
hoped this would not be deemed
improper or unsuitable opportunity
considering the proposition which
had to submit to the house. To delay
any longer, would indeed, he should
nk, be a hardship. For any individual
his rank and connection must naturally
agitated, while a charge so materially
ecting his character was suspended over
m. Therefore, all who were disposed to
nsult the feelings of gen. Clavering, would
ncur with those who were desirous for
tice in bringing the question respecting
at officer to a speedy determination. He
s not aware, indeed, of any good rea-
n for delay. It had been suggested
him that this motion ought not to be
posed until the main question was dis-
sed of; because there were gentlemen
o might be inclined to bring forward
similar charge against other witnesses.
this proposition were likely to affect
e main question; if it could be shewn
at it was calculated to make either for or
ainst the Duke of York, then, in that case,
ere would be a good ground for postpon-
g it. But the evidence of gen. Clavering
d no such tendency. The merit of every
e of the witnesses should be considered
its own grounds. There might be less
more degrees of connection between
em, but he would protest against the
stice of examining them upon general
ounds, upon impeaching them in a bulk, or upon a comparison of notes. It might be equitable to send other witnesses to Newgate; but let the merit or demerit of each be examined upon separate grounds, as he proposed in this instance with regard to gen. Clavering. When the correctness of any other witness should be submitted to the consideration of the house, he should feel it his duty to come to the discussion in the same rule of justice which he called upon gentlemen to apply to the subject of his motion. But he should very ill discharge his duty, or deserve a reputation for common sense, if he did not mark the difference which existed between the nature of general Clavering's testimony, and that of any other witness. For not only would more mischief result from the impunity of this officer's misconduct, but his case was in fact prominent and single in its character. In the first place, his evidence was quite voluntary; he had no occasion to come forward. He begged that he might not be understood to insinuate that any occasion could justify prevarication; but yet, if a witness were called for, if obliged to appear at the bar, it was natural that he should endeavour to defend himself from any thing like inculpation. But here the case was different: general Clavering was a volunteer witness; he came forward of his own accord, and therefore was liable to the suspicion of designing to impose upon the house.—Here the hon. and learned gent. drew the attention of the house to the following questions, upon which he meant principally to rest his Resolution, and which he contended did not affect, in any manner, the deposition of the other witnesses. Those questions were the last put to this officer on the 10th of February, which was his first day's examination.—"Had you any communi-"tion whatever on the subject of army "promotions with Mrs. Clarke? I never "proposed any conversation of that kind, "nor do I recollect any having ever exist-"ed, excepting at the period I before al-"luded to, when she requested I would re-"commend to the consideration of the "Duke of York, lieutenant Sumner, of the "20th regiment.—I understand you then "to say, you had never at any time any "communication or conversation what-"ever with Mrs. Clarke on the subject of "army promotions, except in the case of "lieutenant Sumner? Certainly not, as "being the subject of conversation.—Had "you any incidental conversation with "Mrs. Clarke upon that subject? A period

" of so many years having elapsed since " that time, it is impossible to speak positively and accurately to a question so " close as that, but to the best of my belief I do not think I had.—Do you of " your own knowledge know that Mrs. " Clarke used her influence in favour of " any person whatever in the army with " the Commander in Chief? I do not.—Do " you of your own knowledge know of any " person that asked her to use her influence " with the Commander in Chief upon that " subject? I am not acquainted with any " person that ever did; I have heard reports of that nature, but I cannot bring " to my recollection any person positively. " —Then you state positively that you do " not know of any transaction of that nature? None, to my certain knowledge. " —Give a direct and positive answer to " that question. I do not know of any " transaction of that nature."—To my understanding, observed the hon. and learned gent. nothing could be more direct than this disavowal, and notwithstanding what had been said in every direction on the subject—notwithstanding what had transpired, and must have occurred to his memory—notwithstanding the publication of his own letters delivered in by Mrs. Clarke on the 15th of February, this officer does not offer to come forward until ten days after his first examination, prompted no doubt by the letters; and what does he do? He proposes an explanation of his former testimony; and what was that explanation? Why, truly, that he understood 'communication' and 'conversation' to mean merely personal, and that it had no reference whatever to 'correspondence.' But does it appear that this officer had really no personal conversation with Mrs. Clarke upon the subject of army promotions? On the contrary, we find in the letter of the Duke of York of the 24th August, a direct allusion to a request of this officer, where he states " Clavering is mistaken in " thinking that any new regiments are to " be raised; it is not intended; only 2nd " battalions to the existing corps. You had " better, therefore, *tell* him so, and that " you were sure that there would be no use " in applying for him." What is the inference from this letter, and how is that inference confirmed, or rather made manifest, by general Clavering's own letter of the 28th of August? In this letter, the house will perceive he enters very fully into the nature of the proposal, respecting which Mrs. Clarke had applied to the Duke of York in vain, as his royal highness's letter of the 24th of August explained. It will also be observed in this letter, that although general Clavering professed, at the bar, that he should consider it as a slur upon him if he had been overlooked in the promotions which took place in 1804; if he had not been appointed a brigadier-general in the ordinary routine of merit, yet that he alludes to a recent obligation for his present appointment. Now, what does this recent obligation refer to, but to his commission of brigadier-general, which he had obtained on the 5th of June, as Mrs. Clarke stated. But let the house look to this officer's letters of the 11th of November and 12th of December, in which he continued to address Mrs. Clarke upon military subjects: begging her to ascertain whether new regiments were about to be raised, and to acquaint him of it as soon as possible. With these facts in the recollection of the house, any gentleman disposed to acquit gen. Clavering of prevarication must believe three things: first, that this officer did not understand 'conversation' or 'communication' to mean any thing more than personal, and that neither had any reference to epistolary correspondence; and 2ndly, that he considered the raising of a new regiment as of so little consequence, that after the lapse of five years it was impossible for him to recollect such a trivial point. Good God! sir, is it probable, nay possible, that such a person, a general officer too, could obtain belief, when stating at this bar, that the object of raising a regiment, for which he had offered 1,000*l.*, could, after a period of five, or any number of years, escape his recollection? The idea is quite preposterous.—But the third circumstance to which I allude, seems still more difficult to believe; namely, that this officer, when stating in his answers at the bar, that he knew not of any application being made to Mrs. C. upon military subjects, of her obtaining any military promotions, or applying to the D. of Y. for any person; he (Clavering) did not conceive himself, or his concern in any such transactions, to be at all included. In a case of this nature I am willing to make every allowance for misconception or inaccuracy, that can be reasonably required; but, if there be any gentleman who will lay his hand to his heart, and say that he can believe these with regard to gen. Clavering, I shall only say, that I cannot expect that such gentleman will vote for my motion.—Having gone through the several points of the case, the hon. and learned member expressed his sense of the painful task he had to perform upon this occasion, to which, however, he was urged by too powerful an impression of public duty, to shrink from it under any consideration of personal feeling. There were many aggravating circumstances connected with this case, which rendered it impossible for the house to overlook it. If a man of high rank, of honourable connection, and honourable profession, with every motive to impress a just sense of honour, would not tell the whole truth, from whom was the whole truth to be expected? The dignity of the house, its character, and its interest, appeared to him to be implicated in the fate of this question. For if an example was not made upon such an instance of gross prevarication; if a witness could save himself from the consequences of his shuffling, by such frivolous pretences as the house had heard from gen. Clavering, its inquisitorial powers must become nugatory, for how could it be expected that a witness would be very solicitous about telling truth at that time, when not bound by the obligations of an oath, and released from the dread of punishment for prevarication?—The hon. and learned member concluded with moving, "That the Minutes of the Evidence given by brigadier-general Clavering on the 10th and 20th of Feb. last, and his Letters which were read on the 15th of Feb. last, before the Committee of the whole house, who were appointed to investigate the Conduct of h. r. h. the Duke of York, might be read;" which being read accordingly, the hon. and learned gent. moved a Resolution, "That general Clavering in his said Evidence had been guilty of prevarication."

Sir *M. W. Ridley* did not profess to justify those parts of gen. Clavering's testimony to which the hon. mover alluded, but there were some statements and observations of his, independently of the evidence, which he was enabled to correct. He could assure the hon. gent., that so far from being an obtrusive volunteer witness, it was not at all the wish of gen. Clavering to appear before the house. Indeed, that appearance resulted from the advice of others, and from the impression produced upon this officer, that he would be called to the bar, as a material evidence concerning Mrs. Clarke, and the course he took, which he was led to think the more proper, of writing to the Attorney-General, was in consequence of the opinion of Mr. Lowten. The second appearance of gen. Clavering was also the effect of the counsels of those who thought themselves the best judges of his interest. It was represented by gentlemen who frequented the Clubs, &c. that his Evidence had been the subject of much reprehension, and therefore he was determined to come forward, and candidly confess any thing, although that confession might injure him. But he could assure the house, however extraordinary it might appear to the hon. mover, that gen. Clavering did really entertain the impression in his own mind, that the words 'conversation' or 'communication' did not refer to correspondence, and that none of the questions upon the first day of the examination, referred to himself or his transactions with Mrs. C. That impression, indeed, was so strongly fixed upon the general's mind, that after he left the house on the first day, he met a noble relation of his, the duke of Argyle, to whom he expressed his surprise, that, after all the examination, not a cross-question had been put to him respecting himself or his own transactions. In fact, he was certain that general Clavering was not guilty of any intentional prevarication or concealment. He could not, indeed, bring himself to believe that the respectable father of a family, that an officer of his character, rank and connections, who had served his country with so much credit for 14 years, as could be testified by several officers of the highest eminence, if the house would allow them to appear at its bar; that such a man would at once determine deliberately to sink from his proper station, by acting a dishonourable part before a committee of that house: so thinking of him, he was inclined, and hoped the house would be inclined also, to treat him with indulgence. Indeed, he was willing to throw himself upon the mercy of the house, assuring them that general Clavering was innocent of any intentional falsehood and contradiction. The hon. baronet requested that the house, before it came to any discussion upon this motion, would call the duke of Argyle to the bar, who could confirm the fact he had mentioned, and also that distinguished officer the earl of Moira, who was desirous of speaking to the professional character of gen. Clavering. He concluded with exhorting gentlemen to consider the peculiar situation in which this officer stood. Bred in a profession which gave him no opportunity of acquiring any legal education, he appeared at the bar before the combined wisdom of the nation; he submitted whether in the course of an examination of an hour and a half, such as he underwent, it was possible for him, or almost any man, however disposed to tell the truth, to escape some misconception or inaccuracy. Sure he was, that gen. Clavering's lapses were not the effect of design, but rather attributable to want of adequate capacity, than to any deliberate intention to deceive.

The *Chancellor of the Exchequer* said, he had understood, and he believed it had been generally understood by the house, that the discussion upon the conduct of general Clavering, in giving his evidence, would be subsequent to the determination of the house on the Charges now pending before the house. He certainly had thought that the general opinion was, that it was desirable that any question arising upon the conduct of any witness that would in itself lead the house into, as it were, a premature determination upon the evidence, had better be postponed till after the decision of the house upon the great question that had so long occupied its attention; and what served to bear him out in that conclusion was, the line of conduct which the house had thought proper to adopt with respect to another witness of the name of Donovan; in that case the house, whatever might have been its opinion of that person's testimony, had thought it right to forbear any decision upon it till after they had decided on the more important charge before them, and he could not help wishing that the hon. gent. would pursue the course that that instance might naturally suggest to him, and concur with him in the propriety of postponing that discussion till they had come to a decision upon the great question itself. He could not approve of taking one witness out of the mass; it would be better to wait until they could examine into all, or as many as might call for the investigation of the house. In saying thus much, he would not be understood as wishing the house to decide upon comparative merit; far from it. No man in the house was more prepared to say than he was, that it would be no ground for arguing, that because they did not proceed against one witness they ought not to proceed against another. He would not say, that because they did not commit one evidence for prevarication they ought not to commit another; so far from it, that he certainly thought that the evidence of each person should be left to rest upon its own merits merely, at least as far as that question went to affect the character of the evidence. The hon. gent. had said, that it would be a great disgrace to that house, after the instances which had occurred so recently at the bar, to overlook the case of general Clavering. Without now going into the question, he would say, that he entirely concurred with that hon. gent., and did not think that the house could possibly avoid taking it into its grave consideration; but he did not think that that was the time for entering upon the discussion. They had, to be sure, already decided in the case of Sandon, but that case was, in one respect, materially distinct from that of general Clavering; the prevarication of Sandon happened on the same day, and was of a nature so obviously gross and wilful, that the house had no difficulty in coming to an unanimous resolution of committing him; and from the prevarication happening at once, and upon the same day, there was no necessity of referring to any antecedent evidence, which would be indispensably necessary to the forming a right judgment in the present instance. Besides, he did not know how the house could now take upon itself to say, that any evidence did or did not materially bear upon the charges; he put it therefore to the hon. gent., whether he would put the house in the situation of deciding now upon the evidence, before they had come to any decision with respect to the charges themselves? He would not propose adjournment: he should be very sorry to do so: but he put it to the feelings of the hon. gent., whether, in consideration of such circumstances, it would not be as well to defer this question to some early day, after the house had decided upon the charges? He agreed entirely with the hon. gent. as to the necessity of that house rigorously asserting its own dignity, and the more especially so, in consequence of the recent offences committed against that dignity during the course of the late inquiry; and he would go farther; he did not think it enough, that that house should visit with its just resentment those persons only who had been detected in prevaricating at their bar, but those also who were guilty of advancing a falshood in their testimony. The house had sufficient powers to punish every insult offered to its dignity, and in punishing those who had been bold enough to utter falshoods at their bar, they would only discharge that duty due to the maintenance of their inquisitorial character. The remedy lay with themselves; indeed, perhaps, it did not lie elsewhere; for he believed (and he appealed to his hon. and learned friend near him), that there was no precedent upon the books of an indictment for false testimony given at the bar of that house. He did not mean to pledge himself that false testimony given at the bar of that house, could not be an indictable offence, but he did not recollect having ever heard that any person had been indicted for such an offence. In making these observations he did not wish to throw a shield or a screen over genl. Clavering, but rather over the whole mass of the evidence, into an examination of any part of which he did not think it right for the house to go before they had come to argue upon the whole in relation to the charges, in support or in denial of which charges that evidence had been adduced. He again, therefore, put it to the feelings of the hon. gent., whether he would, at the present time, press his motion on the house? He put it to him, whether every desirable object of justice (and he was convinced the hon. gent. had been influenced by no other motive than a sense of justice,) would not be as completely and as effectually answered by punishing gen. Clavering after the discussion had taken place on the Charges against the duke of York as before, in case the house should think that the general had prevaricated? He proposed therefore to the hon. gent., that he should defer his motion to the earliest day, suppose Friday, after the discussion of the Charges. In making this proposal to the hon. gent., he was influenced solely by a sense of its propriety, and not, he could assure the house, by any wish to compromise its dignity.

Mr. *Wilberforce* said, that as he had taken a part in the early stage of this transaction, he could not avoid saying one or two words. When the Motion was first proposed to the house on a former evening, he had wished to postpone the consideration of it, but he confessed he could not see any satisfactory reason for postponing it to a further day. He was perfectly convinced that his right hon. friend, in submitting the proposition he had done, had the same object in view that he himself had; but leaving out of the question altogether whether there was or was not adequate grounds for conviction, he still thought that the merits of the evidence now questioned ought to rest upon its own distinct, specific and exclusive grounds, and that it would be better to try it upon those grounds rather before than after their ultimate decision upon the pending Charges, because if in the course of the discussion it should appear that this evidence either made for or against the duke of York, might it not be said that either party, (he did not now mean political parties,) wished, according to the bearing of that evidence, whether for or against them, accordingly to befriend or to resent, but if they now went into the question, such a suspicion could not take place; besides, it should not be said that they entered into any comparison of the different testimony, and then justice should be defeated by any compromise among themselves, contracting that if one will spare this man, another will spare that; this was not the way to support the dignity of the house; every case of that kind was, and ought, to rest on its own grounds. He thought it therefore better now to go into an investigation of the motion now before the house, than to wait until after the house had decided upon the charges.

Mr. *John Smith* did not understand that any material inconvenience had resulted to the house in consequence of their having committed Sandon. He was, however, ready to admit that there were some points of distinction between the case of Sandon and that of gen. Clavering, but, at the same time, there did appear contradictions in the evidence of the last witness, that he very much feared it would be impossible satisfactorily to explain, nor was it to be forgotten in the case of general Clavering, that he came for the avowed purpose of invalidating another witness.

Mr. *Whitbread* said, that as it had been postponed so long, perhaps it would have been as well to have postponed it a little longer, in case that the postponement would not be considered by gen. Clavering as a hardship; he thought, however, it would be extremely improper now, that it was brought before the house, to suffer the motion to be withdrawn, because that would look in some degree like a step to abandon it altogether, which would certainly go to commit the dignity of the house. If it did meet with the general wish of the house, not to go into it till after the charges were disposed of, he thought that in that case, the best plan would be to adjourn over the question to some day subsequent to the discussion of the charges. With respect to the comparison of capt. Sandon's case with that of gen. Clavering's, it had been stated, that Sandon's evidence was given on the same day. He certainly had no hesitation in saying that if gen. Clavering had given all his evidence at one time, that house could not have had a doubt about what proceeding it would have been its duty to have taken; or if his own letters had been produced on the same day that he had given in his evidence the house could not have hesitated as to what it ought to have done. In another observation that had fallen from the right hon. gent., he seemed to think that this question went to put the house in the situation of deciding upon the testimony; even if it did, still that proceeding did not go to discard the evidence; so far from it, that in a very recent instance they had brought up to their bar a witness whom they had committed to Newgate for gross prevarication. As to the present question, if the wishes of the house were not inclined to enter on the discussion now, he suggested as the best way to adjourn over the question to a future day, but disapproved of his hon. friend now withdrawing his motion.

The *Chancellor of the Exchequer* said that he had not the slightest intention of moving the adjournment, as that would look like taking it out of the hands of the hon. gent. with whom he wished to leave it. He would rather the hon. gent. himself would move the adjournment. [Here Mr. Wynn said across the table, "Move! move!"] The right hon. gent. then moved, That the debate be adjourned till that day se'nnight.

Mr. *C. W. Wynn* said that the reason why he wished the right hon. gent. rather to move the adjournment than himself was, that he did not feel the weight of the objections made by the right hon. gent. to the propriety of entering into the discussion on the motion at that time. He was not, however, disposed to resist the general wishes of the house. In bringing it before them he had discharged the duty to which he had pledged himself, and they would now do theirs.—The debate was then adjourned to the 14th instant.

HOUSE OF COMMONS.

Monday, March 6.

[America, and the Orders in Council.] Mr. *Whitbread* rose, and spoke in substance as follows:—America, Sir, is a name, which, if it were destined by Providence that the British government should ever learn wisdom from experience, ought to carry admonition along with it. Such a name opens to the recollection such a volume of events, revives such humiliating remembrances of obstinacy, rashness, and infatuation, that one would have thought a considerable time must have elapsed before it would have been necessary to have warned the ministers of this country, against the fatal consequences of pursuing the same measures, and acting with the same rashness, obstinacy, and infatuation, which in a never-to-be-forgotten instance visited our government with disgrace, and our empire with dismemberment. One would have thought that the history of the American War would have inculcated such a salutary moral, as all living statesmen would have known how to have applied and improved, and that now, when that memorable struggle has gone by, they would at least be cautious how far they assumed to themselves the responsibility of scouting the lessons of experience, of refusing to profit by the errors of those who went before them, of persisting in following their example, and volunteering in courting their disgrace. Surely, if the history of that War could have taught us any thing (and never was there history more pregnant with instruction) it must at least have taught us this, that in all our future intercourse with that country, we should not pursue the very same steps, nor resort to the very same efforts, which, in our attempt at that time to oppress, led to nothing but national disaster and ignominy.—In that contest America used her strength, and nobly used it, to resist injustice and oppression: She rose with gigantic force; she broke the fetters prepared for her by this country; and in the end obliged us to recognize her independance. After a result worthy of the cause in which she had embarked, when this country and America became distinct and amicable governments, she used her strength in our behalf. England flourished greatly as unexpectedly, on the separation of her colonies, to such a degree as proved the commercial means of America, and the extent of those means in promoting the commercial prosperity of G. Britain. In short, the relations of the two countries were such, their resources of that sort, and their mutual intercourse of that character, that to any unprejudiced man,

o looked without political bias or jea-
sy at America, it must appear, that
dially united with her, we might toge-
r cope with the living world, were it
ainst us; and, with the exception of
erica, might I not say that the living
rld is against us! And yet the statesmen
the present day, unwarned by past events
d uninstructed by recent experience,
e rushing blindly into that fatal system
ich has already separated America from
e British empire. She has now spoken
st, and offered you her co-operation.
ou have, or rather your government has,
fused her offer; foolishly refused it, be-
use they refused it at all, and rashly
used it, because they added insult to
fusal; and this we are to be told, per-
ps to night, is to be pertinaciously per-
tted in, on the groundless pretence of
me false point of honour. This would
to refer back to that fatal arrogance
at in the beginning of our contest with
merica made our government so obsti-
ate, and kept it so till the colonies were
dependent. We weakly thought that
merica was too humble for England to
unjust. America was indeed humble,
eak in power, but strong in justice.
eak as she was, she stood against the
rength of her oppressor, and Heaven aid-
d her efforts to assert her independence.
Non sine Diis, animosus infans.” Ame-
ca then found what it was to fight in a
ood cause, and we found that all our
eans were incompetent to the main-
enance of a bad one. I would bring,
en, the two countries before the house,
nd appeal to their justice and their can-
our to decide between them. I mean no
arrow reference to any one measure; but
wish to afford the house an opportunity
f considering the question on the largest
cale, and with a view to prospective mea-
ures; and in such a point of view, at a
eriod like the present, every man must
dmit the importance of the question to
e transcendant. I know the influence
which all questions respecting our external
elations have upon our internal interests;
admit the importance of the subjects,
which have been brought under the con-
ideration of the house by my noble and
ight hon. friends (lord H. Petty and Mr.
Ponsonby), but still I must contend, that
he question to which I propose this night
o call the attention of parliament is of
higher concern and paramount importance
to the interests of this country. We see
what is to be expected from his majesty's ministers, and it becomes, therefore, the more incumbent upon this house to do, what it has hitherto abstained from doing, to arrest by its timely interference the ruinous career of their policy, because the right hon. gent. over against me (Mr. Secretary Canning) aided by his colleagues, has closed the door against conciliation with America, so far at least as they are concerned, and there remains now no hope of an amicable adjustment of the unhappy differences between the two countries, without the authority of parliament. In arguing a question like the present, that goes to involve the consideration of the principles of the law of nations, I am sensible that I shall have great authorities in this house against me. One hon. and learned gentleman (Mr. Stephen) I see in his place; another I perceive just entering the house; and, when I consider the talents, the learning, and attainments of those hon. and learned gentlemen; I cannot but feel the unequal terms upon which I come to argue the question; because, whilst the opposite host appears in full strength, unhappily our force on this side of the house has been diminished. I have to lament on this occasion the want of the sanction and authority of that great and distinguished civilian, the late Dr. Laurence; because, though his speeches may not have been enlivened with those merry conceits, that coarse humour, those fanciful witticisms and broad jests, which too often excite the mirth and keep alive the attention of popular assemblies, they were always remarkable for sound reasoning and just principles, containing the result of deep research and profound learning, and developed the enlarged views of his capacious and comprehensive mind, upon any subject to which he applied his great powers, in an instructive chain of accurate deduction and conclusive arguments. Now that Dr. Laurence is no more, I trust I shall be excused for paying this humble tribute to the memory of his exalted talents and unbounded knowledge, and I am certain, that, whatever might have been their past differences, the right hon. gentlemen opposite will concur with me as to his merits, and admit, that, however distinguished the individuals who remain, either in his particular department, or in the more extended branches of the legal profession, this house and the country have, in Dr. Laurence, lost a vast fund of knowledge, an exemplary instance of public and private virtue, and a larger propor-

tion of pure principles, and political integrity, than perhaps have ever been united in any one individual. (Hear! hear!)—We, Sir, in common, regret his loss; but on this question how much shall I feel it? I wish, since he is irrecoverably gone, his mantle had been left among us; but knowing, as I do, what he was, and feeling, as I do, what I am, I will yet go forth armed with but my scrip and sling; and knowing that my cause is righteous, I will not fear for my weakness, though a host of Goliaths be brought against me. Before, however, I enter the lists, I would wish to premise some preliminary stipulations according to the practice of the chivalrous times. I would beg leave, then, in the first instance, to prescribe, that the right hon. gentlemen would, upon the present question, be more sparing of their reflections upon me as the uniform advocate for our enemies, and against England. These gentlemen have been too liberal in dealing out such reflections against me: in any question where England is right, I will support her; where she is wrong, I will oppose her injustice: and in advocating the just cause of America, or of any other power, against the injustice of England, I say I am advocating the cause of my country. I am not the advocate of America. I am not the advocate of France, but the advocate of my country, because I am the advocate of justice. I have pledges as dear, and affections as strong, as any gentleman who hears me, to bind me to my country, and, though I plead the cause of America, when, in my conscience, I believe she has justice on her side, I can confidently say, that I shall never be found the last to vindicate the real honour of my country.—There is another topic, in which the mind of the right hon. gent. opposite possesses no very ordinary fertility, I mean recrimination. I do trust that, upon this night, he will endeavour to refrain from its introduction; if from no better reason, at least as a matter of taste; for, surely, this house ought to be fatigued in hearing from the other side no better argument for the different acts of their government, than that their predecessors had been equally criminal. At all events, the objection, even futile as it is, cannot apply to me. With every respect for the principles, and every confidence in the enlightened views of the hon. friends who surround me, and with whom it is my pride generally to act, I still wish this house to recollect that even with them I differed on the issuing of the Decree of the 7th of Jan. 1807; when, with the knowledge that I possessed, of their determination relative to the extent of that order, I still felt it my duty to differ, how much more aggravated must my objections have been to the Order issued by the present servants of the crown, on the 11th of Nov. of the same year. Indeed, Sir, to the system which at that period those gentlemen opposite thought proper to adopt, we cannot apply the mere enaction of a trifling theoretical proposition. It has been felt in all its evils, and the experience of every day has proved its hostility to the vital interests of this empire. The right hon. gentlemen fancied, nay, they predicted, that in their Orders of Council they erected a monument to their own foresight and political sagacity. A monument they certainly did rear, but it was a monument of their arrogance, of their imbecility, and their lamentable perverseness. My object is not to propose any theoretic or speculative propositions, but to endeavour, by calling the attention of this house to the state of our relations with America, to remove the obstacles to reconciliation with her, which the conduct of his majesty's ministers has created; because, in place of considering the confederacy against this country, "as broken and frittered into fragments utterly harmless and contemptible," I look upon it as extended and continued beyond the example of any former time. The snake has been "scotched not killed." She appears now more erect, dilated, extended, and continued than ever, with accumulated fury in her crest, and tenfold venom in her sting. When such effects have followed from the course that has been adopted, surely I, as the friend to conciliation with America, may fairly call upon this house not to persevere in a system which, if persevered in, must add that country to the catalogue of the enemies of G. Britain.—And here allow me, Sir, to recall to the attention of this house the particular predictions of the right hon. gentlemen opposite. True it is, that the right hon. the Secretary of State (Mr. Canning) did not on this subject join frequently in the discussions of this house. Still the learned gent., who was considered an oracle on such subjects (sir Wm. Scott) did predict that the Orders in Council would in their operation prove fully correspondent with their professed object. The Chancellor of the Exchequer told you to have no appresions of any hostile feeling in America such account, because he was convinc- from the most conclusive considera- ns, that the issuing of such Orders could e no umbrage to the American people. at in them they could see no causes for content, neither would their govern- nt make them the grounds for either monstrance or hostility. A learned nt., not now in his place (sir John Ni- ols), told us, that our Orders would lead an efficacious and glorious issue of the stem of neutral aggression, introduced the government of France, and termi- te in peace. But the right hon. gent. posite (Mr. Rose) exceeded all the other negyrists of this redoubted policy, by ling us, that in consequence of adopting G. Britain would become the emporium the trade of the world, although at the me moment he protested and 'vowed to s God' (a laugh), that there was nothing so much deprecated as hostility with merica, and that nothing in his support those Orders, was so distant from his ought as such a disastrous event; and et he added, that the neutrality of Ame- ca was of no use to this country. In- ed, both numerous and various were the enefits, the enjoyments of which we were o vainly promised. Our manufactures ere to flourish by the monopoly of the w materials; our revenue was to be in- eased in G. Britain by the duties of transit. thers assured us, that the effect of this sys- em would be to deprive the European world f colonial produce, and consequently to rce Buonaparté to rescind his Decrees, s a worthy pinnacle to such a pyramid. e right hon. the Chancellor of the Ex- hequer brought forward his Bark Bill, nd declared, that by depriving the con- inent of a supply of that medicine, we hit pon a most decisive means of assailing e army of France (hear! hear!).—Such vere the predictions of the servants of the rown. Let us now compare them with he effects which have resulted. And first, beg leave to remark, that it appears not a little wonderful that the right hon. the Chancellor of the Exchequer did, in this ouse in the month of July last, solemnly state his decided opinion, that the Orders n Council of and subsequent to the previous November, did not produce any irritation in America, although at the moment that he delivered such an opinion to parliament he must have known, as we now know, that Mr. Pinkney in a communication, dated the February before, addressed to the Secretary of State for Foreign affairs, did, on the part of the American government, strongly remonstrate against the injustice of these very Orders. I say, that at the moment he thus informed this house, he was conscious that he had excited a flame in America, which instead of taking any means to extinguish he had added fuel to aggravate. The Papers on the table are full of instances of the irritation excited by these Orders in America. But from one learn all. In a letter from Mr. Madison to Mr. Pinkney, dated March 22, 1808, that gentleman says, "that Mr. Pinkney had, in his remonstrance to the British government, anticipated the answer of the American government, and that the Orders in Council were a violation of neutral rights, and a stab at the independence of the United States." This then was the measure, which the Secretary of State represented as not likely to excite any irritation in America, and which the other right hon. gent. the Chancellor of the Exchequer, asserted, would not have made any impression in America, if it had not been for the speeches of members in that house. But will the right hon. gent. now make the same assertion; will he catch at such a broken reed? Does he not know that an irritation has been excited in America? And if he be still of the same opinion, will not the certainty of dates and distances confound him? In fact, if such observations are to prevent gentlemen from giving their opinions sincerely upon public measures in this house, lest it should be said that they supplied arguments or reasons to other nations, it would put an end to the freedom of debate.—Another prediction as to the benefits arising from those Orders, has also falsified itself. The prospect was held out of a consequent increase of exports and imports. But, without attempting to grovel into Custom House details, and well knowing that such accounts have been swelled out into an artificial magnitude, for the purposes of public delusion, I am still ready to prove, that, even upon the face of the returns thus made up, there appears a considerable diminution in your Imports and Exports: I will say to the amount of 11 millions. But suppose such a diminution did not amount to more than 7, 8, or 9 millions, still, it is sufficient to prove that the effect has completely contradicted every boasted promise with which the right hon. gentlemen opposite deluded the house and the country. Equally futile and inefficien was the hope of an unlimited supply of raw materials for our manufacture. From America, previous to these Orders, Great Britain imported of cotton wool 32 millions of pounds. Since that part of the world was closed against our commerce, what has been our supply of that article? Why, sir, from Asia, and the Portuguese settlements in South America, we imported five millions. Thus the illustration which this system affords of the total command of the raw material, for our manufactures, is by furnishing us with a deficiency of 27 millions of pounds, in an article essential to their prosperity. But then it is affirmed, that all such effects are attributable to the Berlin Decree. Really, it is inconsistent with every principle of common reasoning, to find men laying such a stress upon a measure which never had, and scarce ever could have, operation.—The Berlin Decree, Sir, was, in this respect, but a mere Castle of Otranto spectre, an idle unsubstantial phantom conjured up to affright by its imaginary terrors, and scare an administration out of their senses. The fact is, that notwithstanding the Berlin Decree the commerce of this country continued more flourishing than ever, until your own Orders in Council accomplished what the enemy had not the means to effect.—I come now to the prediction, that in consequence of your Orders preventing the continent from being supplied with colonial produce, we should see all the various people under the dominion of Napoleon throughout his vast empire, in a state of insurrection: That he would be totally unable to force his numerous armies to march where he ordered them, for the want of coffee or tea for breakfast—(a laugh)! Have the people of Europe risen in rebellion? Have his armies refused to march? Has not Spain, though protected by those all-powerful Orders, which raised so many impediments to French aggrandizement, been invaded by the armies of Buonaparté? Has he suspended his operations in Spain? Has he rescinded his Decrees? and has he not been able fully to supply, by chemical processes, which surprise us, the wants of the numerous legions which were marched from such different parts of Europe? Yes, unfortunately we have witnessed such occurrences, notwithstanding the other expedient of that pious, humane, and philanthropic gentleman opposite, the Chancellor of the Exchequer, whose Bill against the exportation of Bark to any part of the continent, was, in his opinion, like the destructive Upas, to go forth to spread its poison, and annihilate the armies of France. Another prediction of the right hon. gentlemen, that the American people would not submit to the embargo, has proved equally false with all the rest. The embargo continues, and the spirit of the population of the United States is greatly exasperated against this country. Thus have these right hon. gentlemen placed themselves in a situation of shame, and, by the groundlessness of their most confident predictions, exhibited themselves to their country and to the world in the odious and despicable character of false prophets. Let us hope therefore that they will not persevere in their blindness, that this good consequence at least will result from their failure, that they will no longer set themselves up as oracles of wisdom or the arbiters of Europe, nor continue to pursue the same road in which they have so fatally floundered, and been so completely swamped, be-mired and be-grimed, but pay some little attention to the predictions from this side of the house. We predicted that the subjects of France would not rise in insurrection in consequence of being deprived of all supply of colonial produce;—and they have not risen. We predicted that America would be irritated by our Orders in Council,—and she is irritated. We predicted that our manufactures would decline and our exports and imports be diminished—and the result has verified the prediction, as is but too obvious from the papers on the table. We predicted that our manufacturers would be destitute of employment and reduced to extreme distress—and unhappily the prediction is true, as appears from the numbers of your starving manufacturers, reduced to that state which the hon. baronet (sir R. Peele) on the Irish Distillery Bill so justly and so feelingly described, when he entreated this house not to aggravate their distresses, by depriving them of the very scanty meal which was left. I do admit, that by such a system some will be found obtaining a profit even from the general calamity, in the same manner as we know that by the late conflagrations, though many are thrown out of bread and employment, others are receiving from the very occurrence, support and additional earnings. But that can be no compensation for the suffering endured. If you wish to ascertain the extent of the injury inflicted on this country by these Orders, I call upon you to reflect upon the condition of the extensive town of Manchester, where the poors rates have risen within the last year from 24,000*l.* to 49,000*l.*, in consequence of the number of manufacturers thrown out of bread; where of the numerous Cotton mills which were formerly employed, 32 are now idle, and six only at work. Cast your eyes to Ireland and behold the state of its linen manufacture for the want of flax-seed. Whence can it be supplied? Not from America or from the Baltic. There is not, I understand, seed for a twentieth part of the land usually sown with flax in Ireland this year, and the consequence will and must necessarily be, that in the course of next year a vast multitude of persons must be thrown out of employment in that country. These are some of the extensive operations of the Orders in Council which it behoves this house particularly to attend to, and if possible to prevent before it be too late. The right hon. gent. (the Chancellor of the Exchequer) holds out the prospect of great benefit from the trade with the Brazils. But as to the probability of any great advantages from our commercial intercourse with Portuguese America, I confess, that I am not so sanguine as to expect any in the course, not alone of my life, but of many persons in this house younger than myself. Yet suppose that such advantages should arrive much sooner than I am induced to believe, what, I ask, is to be done for the supply of the passing year, or of the year that succeeds? Unhappily the evils, of which my friends who sit round me forewarned the right hon. gentlemen opposite, have arrived, without convincing them of the absolute necessity of retracing their disastrous progress. Was it not natural to expect that when every prediction of ours was fulfilled, and every promise of theirs falsified, they, without apparently yielding to the opinions of their political antagonists, would have embraced some plan of extricating the country from the dangers in which it was involved by their conduct? No such thing. Unwarned by experience, unappalled by the horrors of their own creation, which surrounded them, and vainly elated by the transcient gleam of temporary success, they disdained to take advantage of the moment of that success, or to profit by the concessions which the American government offered. Indeed, under any circumstances, the present servants of the crown could not divest themselves of that political rancour against America which seems to foster in their breasts. From the period of their appointment to office, this seems to have been the prevailing feeling which characterised their conduct towards that nation. America has had various causes of complaint against this country—as to the impressment of the seamen—the depredations committed upon her commerce—the violation of her territory by boats crews belonging to British ships going ashore there and insulting the peaceable inhabitants, and by the burning, within her waters, of vessels which may have escaped from the French islands. At last these causes of complaint were greatly aggravated by the insult offered to America in the illegal, unauthorised, unjust, and aggravated attack made by the Leopard upon the Chesapeake by the order of admiral Berkeley. Upon this occasion however, the right hon. Secretary (Mr. Canning) acted as he ought, when upon a representation of the transaction having been made to him by Mr. Pinckney, he assured that gentleman, that if it should turn out, that the act was such as he had represented it, it would be disavowed by his majesty's government. In the Notes that were afterwards exchanged with the American ambassador on this subject, I admit that a demand had been coupled by that gentleman with the demand of reparation, which had no connection with it, and could not consequently have been complied with by his majesty's government. The right hon. gent. then sent out a special minister, now in my eye, to offer reparation, and with this mission of Mr. Rose, ended the propriety of the right hon. gent.'s conduct relative to this affair. It was obvious, from the time at which Mr. Rose sailed; from the manner in which he executed his mission, and the circumstances of his leaving America, that any thing but conciliation was meant by his majesty's ministers. Though he sailed from this country on the 12th of Nov., the day after the Orders issued, no intimation was given by him to the American government of such Orders having been issued by his majesty's government; whilst the direct object of his mission was unaccountably coupled with the Proclamation of the American government, relative to the interdiction of British ships of war from her domestic waters. Great Britain, the aggressor in an aggravated attack upon a neutral power, refuses to enter into a discussion of those means of reparation which were due for such an attack, unless as a preliminary America consented to withdraw the very measure of defence to which that power had resorted in her own defence against that very aggression. Gentlemen will find by the Papers, that Mr. Rose refused, on the request of Mr. Maddison to communicate the terms of the reparation, though assured by that gentleman, that if the reparation should appear to be satisfactory, the revocation of the President's Proclamation, and the act of reparation should proceed *pari passu,* and bear the same date. Could ministers seriously expect that any independent power would have submitted to such a degrading proposition as they made? Did the right hon. gent. fancy that he could call on the American government to crouch at his feet, in the same manner as we read of Louis the 14th calling upon the Doge of Venice? In adjusting the intricate relation of empires, are we to regulate our conduct by a studied attention to etiquette? Are nations, in their adjustment of differences, to advance with measured foot-steps, as you, Sir, in moving at the head of this house in company with the lord chancellor when going to the throne, whilst each is attentive that the other should not precede him? Methinks if such be the views of present statesmen, it would be but proper to revive that system which prevailed under the See of Rome, when four different folding doors for different ambassadors to enter at the same time were provided, that one should not complain of the precedence of the others.—I dismiss this subject with one observation, that although for that aggravated and wanton attack upon the Chesapeake, admiral Berkeley was not only not brought to trial, but immediately dispatched on another and delicate command, still we find the secretary of foreign affairs, in that master-piece of diplomacy of the 23d of September, 1808, finding fault that no overture was made to repeal an interdiction which was the very effect of this unauthorized and cruel attack of the Leopard on the Chesapeake. The American government could not in the actual state of the transaction make any proposition upon the subject, it was from the British government alone that such a Proposition could with propriety come.—I now proceed to the Orders in Council of the 11th of Nov.; this disowned child, which seems to have no father. The gentlemen opposite will probably answer by referring to the Order of the 7th of January preceding. I tell them, that it is they who have raised the superstructure, where no edifice was necessary. But the house must recollect, that at the time I opposed that very Order of the 7th of Jan. as both improper and nugatory, though it had been preceded immediately by the Berlin Decree. In the last session we told you from this side of the house that to contend that America acquiesced in that Decree, was a false and untrue assumption; that it was false and untrue is now fully proved. It is now proved that on the issuing of that Decree by the Emperor of France, America did all that she ought to do in defence of her independent rights, and in answer to a demand for explanation made by general Armstrong, M. Decrét stated that the Berlin Decree was not intended to infringe the treaty of 1800. She did every thing necessary for her object, without being so foolish and insane as this country has proved itself on this very subject. America took no notice of the idle menace, so long as she felt it ineffectual. She knew the same object had been frequently held out to inveigle her into hostility with either of the Belligerents. But the moment that Decree was put in force against her neutral rights, which was in the case of the Horizon, general Armstrong immediately demanded a full explanation of its intention from the government, and accompanied this demand with a remonstrance against the decision in the case of the Horizon. But such decision could be no motive for the Orders of the 11th of Nov. inasmuch as at the period of their being issued, no such event was known to his majesty's ministers. What course did the American government pursue, when acquainted with the decision respecting the Horizon? It immediately ordered its minister at Paris to renew his remonstrance, and at the same time put in force its embargo law against France. Then followed your Orders in Council. It will not now, I believe, be argued, that the American government was not in possession of your Orders in Council, before the embargo against Great Britain was passed into a law. That knowledge it had; and the immediate consequence was the adoption of the latter measure. But what was the most extraordinary feature in this transaction was, that Mr. Rose, sent out as on a mission of conciliation, after you had issued these Orders, was totally silent upon them in his various communications with the government for the purpose of adjusting our differences with America. What other feeling could such a circumstance provoke in the breast of any government, when it learned what had taken place here, but that it was the object of this country, by a specific mission for conciliation, artfully concealing other measures which vitally affected the independence of America, to insult and to deceive them? Added to this, although an official notice was delivered on the 20th of January by the President to Congress, that such Orders were issued by the British government, yet it was not until the 23d of the following February that his majesty's minister to the United States (Mr. Erskine) officially communicated the existence of such Orders, to the neutral government most interested in their operation. There may, perhaps, exist in the minds of the great statesmen opposite, some good grounds for the delay; but in every plain view in which I have considered the subject, I can find no other motives than a desire to deceive, to insult, and to irritate America; and this was the course of policy which Ministers thought proper to adopt towards that country at a moment when America was irritated against France. An irritation of which the French government was aware; as we find, in the note of Mr. Champagny to general Armstrong, a strong complaint of the inclination and partiality of America to Great Britain. A partiality to either belligerent was peremptorily denied by the American government; and perhaps the very best proof it could afford of its impartiality was its being accused by both at the same time of being subject to an undue influence to its antagonist. This was not the first time that such charges were brought against America. Similar complaints were made during the presidency of the immortal Washington. That enlightened patriot however disregarded such accusations; he scouted every partial influence, and solely looked to the interest of his own country.—I now proceed to the offer of America, as made by Mr. Pinkney, to suspend the embargo law, and its supplements, as regards Great Britain, provided you repealed your Orders in Council, as far as they regarded the United States. She had continued her embargo with firmness and with moderation. She did however avail herself of a proper opportunity to make to Great Britain a concession—a concession, which the right hon. gent. (Mr. Canning) has plumply refused, although one of its most salutary consequences would have been to arm the merchant ships of America against France. What, in God's name, would you have? What do you want of America? Have you any defined object in your policy with that country, and what is it? The blockade of this country by the enemy is raised, as the right hon. gent. asserts; the system is "broken up into fragments harmless and contemptible;" the evil on which your Orders were to retaliate its own injustice has disappeared, as the foreign secretary has assured us; yet, in the same breath, he avows the determination of adhering to this unjust and disastrous system of retaliation. Whatever consequences may result from the perseverance, I am convinced that such a system will descend to posterity as a striking illustration of arrogance, imbecility, and political folly on the part of the advisers. When the right hon. gentlemen insist, that America shall make France rescind her Decrees, are they not aware that Buonaparté is as obstinate as themselves, or can they suppose that America could march an army or send a fleet to force Buonaparté to comply with their request? The matter is quite impossible. America can do nothing; yet ministers have been so absurd as to state the compliance with an impossibility, as the only terms upon which they would remain at peace with her. Was it not obvious, that the decrees of France had proved wholly nugatory against our commerce, and had been intended by the enemy as a mere *ruse de guerre,* a lure to entrap this country into such a course, as would produce the very effects by your retaliating decrees, which he had vainly and ineffectually hoped to produce by his own? The artifice succeeded, and, I am afraid, from the consequences to our manufactures, that we shall have a whole nation calling for bread. If the offer of America had been accepted, the commerce of this country would be in a better situation than if the demands of our government had been complied with. We should then have the monopoly of the whole trade of America; whereas, if the Berlin Decree had been rescinded and our Orders in Council revoked in consequence, France would share with us that trade. If we had accepted the offers of America, there was no reason why we should not have the ports of

America now open to us, why we should not have the wheat from her stores, and the cotton for our manufactures, no reason why we should not have that country for our ally in the present war. But, the right hon. gent., elevated by temporary prosperity, disdained this conciliatory proposal of America, and expressed the refusal of his sovereign in a Note, which certainly savoured much of himself (a laugh); for whether he is employed in discussions in this house; whether engaged in pacific overtures with hostile, or in adjusting differences with neutral, nations; in every sentence and in every point, you are sure to see the author. The right hon. gent.'s eloquence is of a stormy description, full of bursts of genius and corruscations of talent, but it has all the other ingredients of a storm; vapour, cloud, and wind. But there is one expression in a note of the right hon. gent. that surprizes me, I mean where he complains of the tone of Mr. Pinkney's note; like a joker, who dislikes to be joked with in return, particularly when the joke is against him, he feels uneasy under the tone of a firm communication. With sir Anthony Absolute in the comedy, the right hon. gent. cries, "What "the devil are you in a passion for; why "are you not as cool as I am?" (Loud laughing.) And here, sir, I must remark upon the manner in which the right hon. gent. after having had several friendly conversations with Mr. Pinkney upon the subject of the late offer of the American government, suddenly and without any apparent ground, insisted upon the indispensible necessity of having the proposition formally conveyed to him in an official note. It could not be the object of the right hon. gent. in this change of the mode of communication to be put more fully into possession of the terms of the American offer, for he had thorough information upon that head in his various conversations with Mr. Pinkney. Consequently, when asked by Mr. Pinkney what his reason was for this demand, the right hon. gent. replied, that it was in order to guard against misrepresentation. Would not one suppose, that this precaution was intended in an official communication with an American ambassador, to guard against misrepresentation on the part of the President, or of some member of the legislature of the United States? But it was no such thing. The right hon. gent. wanted to guard against the misrepresentations of the American news-papers. Why, Sir, we are all liable to be misrepresented in the news-papers. I dare say I shall be misrepresented to-morrow, and, if the right hon. gent. will do me the honour to reply to me, that he will not fare better in the news-papers. It had been asserted that the arguments of the right hon. gent. in his official papers, would convince the people of America, of the amicable disposition of the British government. The reverse, however, was the case, for the effect which had been produced by his letter on its arrival in America, was, to alienate all those, who had previously felt amicably towards this country, and to insure the election of a President, whose views are supposed not to be favourable to the interests of this country. Indeed, Sir, I must declare, however mortifying it may be to the right hon. gent. that, with every deference to his talents and acquirements, I must still, in estimating the abilities of statesmen by their political communications, express my preference for the solid and able reasoning contained in the official notes of Mr. Maddison, the American minister. I have only to refer to the right hon. secretary's letter of the 23rd of September, to prove by an extract that the strain of irony is not best suited to the ends of political deliberation. The words are,—"That in this attempt almost all the powers of the European continent have been compelled more or less to cooperate; and that the American Embargo, though most assuredly not intended to that end, (for America can have no real interest in the subversion of the British power, and her rulers are too enlightened to act from any impulse against the real interests of their country), but by some unfortunate concurrence of circumstances, without any hostile intention, the American Embargo did come in aid of the blockade of the European continent, precisely at the very moment, when, if that blockade could have succeeded at all, this interposition of the American government would have most effectually contributed to its success." In this extract there is a sarcasm conveyed not becoming a statesman even were it just. This tone is not to be tolerated even to individuals, much less to a great and independent nation. But I will beg the gentlemen opposite to state, what benefits they propose to obtain from continuing in this system of retaliation? It is an extraordinary way to retaliate upon an enemy by trampling upon a neutral. What hopes do they now hold out to our manufactures, reland, to our colonies? Do they exe- e their Orders in Council? Are they ying fair with the country? Are they following a trade they dare not own? they not at this moment carrying on means of licenses a trade with Holland France in those articles, at the export- n of which the French government nives, and is it not by such a species of ggling that they are enabled to support earances and keep themselves afloat?

here has been a report that some con- atory measures are in progress between country and America, and I have on t account been asked by several mem- s whether I intended to bring forward s motion? If it be so, then, I would wil- gly make a bonfire of rejoicing of my ers, and say, "proceed—conciliate erica—let her, at all events, be your end—and for that important object make ry concession that may become a great ion." But I have seen nothing that can rrant such a conclusion. In spite of all predictions to the contrary the Em- go has been continued. There have en some who have derived hopes from commotions which have taken place in erica; the question is, however, whe- r these commotions express the sense of American people? But suppose there ld be any just ground of hope of a re- al of the Embargo from these commo- ns, nothing is gained unless the Ameri- ns can force Napoleon to rescind his De- ees—unless they could perform an im- ssibility—unless they could heap moun- n on mountain—place Pelion on Ossa— le the heavens, and thus accomplish an terprize which transcended the power the giants. But then we shall be told of at has been done by the Embargo- eakers. What have they brought to this untry? Some cotton wool. But have ey brought flax seed? Have they brought rpentine, and many other articles of es- ntial importance to the trade and manu- ctures of Great Britain? I can see little ound of consolation in this system of Em- rgo-breaking.—But if the Embargo were ised; if Mr. Jefferson's authority should overturned; would the Americans ever ing their goods here to be taxed? This lious tax has been paid only in one in- ance, and the ship has been burnt by the nds of the populace. A report was ought to this country that the Federal rty was likely to prevail. The very re- rse of this turned out to be the fact: r. Maddison was elected President, and there exists no hope that the government of America will relax in its measures.—If the Americans raise the embargo, they cannot come here to be taxed, and if this country shall enforce the tax, the consequence must be war. But if a war breaks out, what becomes of the scheme of the gentlemen opposite, to make the enemy contribute to our resources for carrying on the war? And I certainly entertain the most serious apprehensions that a war between this country and America will be the result. I am aware that there may be some who wish for such a war. The Americans are not popular in this country; and the American character is not regarded with favour or respect. Of this I can state a remarkable instance. The health of Mr. Jefferson was proposed at a meeting last summer, and was received with great disapprobation, although at that moment America was not a hostile nation; and though we professed to be anxious for more intimate relations with that country. That there are some interests which must flourish by a war with America I allow. That our own possessions in America may derive some temporary advantage from it is very probable. But what will be the state of the West Indies in the event of a war; what the state of many other valuable interests; and how are you sure that you could retain your American possessions? The probability is, that we could not retain them; and for this reason, that the whole world would then be united against us. And yet under such circumstances we are endeavouring to extend our possessions. A force has been brought together to reconnoitre Martinique; and whatever opinion may be entertained of the propriety of prosecuting the object, this system of reconnoitering must be very creditable. I recollect another instance of this reconnoitering, under the hon. general opposite (sir J. Pulteney) at Ferrol. The hon. general landed; he astonished the governor and the townsmen, who wondered what he had come for; but finding that the place was fortified, he embarked again. The mention of Ferrol brings to my recollection another most important feature of this case. The enemy are now in possession of Ferrol, where they have found several ships of war, and you have been refused admission into Cadiz; have you not? The navy of Spain may be brought against you; all the arsenals of the Continent are in the hands of the enemy, and the thousand arms of your navy may soon have work enough. Yet under these circumstances you are to go to war with America upon a point of honour; and that too not to be satisfied unless America compel Napoleon to rescind his Decrees—a thing entirely out of her power. Recollect to what the greatness of this country is owing; recollect the debts due from America to your merchants, who are anxiously waiting for the result of this night's proceeding; recollect the state of your manufactures; recollect that the greatness of your country is in a great measure factitious. That this country would be great independent of commerce, I believe; but it would not by any means be so great; recollect that its greatness depends essentially upon that commerce, which your measures are about to destroy. Throw France back again into the situation in which it stood before its commerce commenced, throw America back again, and they can still do without you; but Great Britain has risen through her commerce, to a degree of consideration among the nations of the world which it could never otherwise have attained; your resources, your population, your navy, essentially depend upon your commerce. Destroy that, and you lose your right arm; an hon. baronet has this night presented a petition from certain merchants, complaining of the injustice of the American government in the exercise of a mere municipal act. They might have heard of ships having come into this country from Holland; of their having been detained here in contemplation of a war, and afterwards condemned as prize. Might not the Dutch merchants have, upon similar grounds, complained of the injustice of our government? But the hon. baronet has an opportunity of contributing to the relief of these petitioners, by voting for the proposition which I shall have the honour of submitting to the house. When we undervalue the American character, have we forgot general Washington, one of the greatest men that ever existed, but who was here so often traduced by one party as partial to Great Britain, and by another as partial to France? Have we forgot Dr. Franklin, who was so much traduced at this bar?—I do not mean to move at present for the revocation of these Orders in Council. I am willing that this should be done in the way least revolting to ministers. I do not desire them to do it openly, *non coram populo*, let them get rid of them behind the scenes. Let them proceed in their own way, only let the thing be done. I cannot better close these observations than by reading an extrac from the valedictory address of the grea Washington upon his retiring from office "Observe good faith with all nations; cultivate peace; attend to the dictates of morality and religion in your intercourse with other states; for it is impossible that things should be so constituted as to render these inconsistent with sound policy The experiment is worth trying at least and the high character for probity which you must thus acquire, will more than repay any temporary advantage which might result from a contrary line of conduct."—Then be at peace with America, and with America by your side you may defy the rest of the world.—The hon. gent. then moved, "That an humble Address be presented to his majesty, humbly to represent to his majesty, that in consequence of certain Decrees made by his majesty's enemies, contrary to the usages of war and to the rights of neutral nations, and also in consequence of the alledged acquiescence of neutral nations in the said Decrees, his majesty was advised to issue certain Orders in Council, respecting the trade of neutrals to and from the ports and countries of his majesty's enemies; And that the said Orders were further enforced by certain acts passed in the last session of parliament.—But that both in the said Orders, and in the acts passed thereon, a power was reserved to his majesty of annulling the same, whenever such revocation should appear expedient.—That the Congress of the United States of America, alarmed at the dangers to which neutral commerce was exposed by the practical operation of the said Decrees, and by the system then known to be in the contemplation of his majesty's government, and actually carried into effect by the said Orders, passed laws for laying an immediate embargo on all American ships and exports; and that by the operation of such laws, all trade of export from the said states into this kingdom or its dependencies has been prohibited, and the commercial intercourse of his majesty's subjects with the said States has been in other respects essentially impeded.—That in the month of August last, the minister of the United States, resident at this court, made to his majesty's government an authorized and explicit offer of re-establishing the said intercourse; proposing, that if his

esty's Orders in Council should be re-
lled, as far as regarded the United
tes, the embargo imposed in the said
tes should be removed, as far as regard-
his majesty's dominions; and adding,
t if his majesty's enemies should not re-
ıd their Decrees, the said embargo
uld be continued as with respect to
m.—That this offer on the part of the
ited States appears to us just in princi-
, and in its tendency highly advantage-
to the best interests of this country:
t, inasmuch as it removed all pretence
the acquiescence of the United States
the French Decrees; which acquies-
nce was the only ground on which any
ht could accrue to his majesty to inter-
ot the innocent commerce of a neutral
wer: and advantageous to Great Bri-
n, inasmuch as, though it should not
ve produced the repeal of the French
crees (the avowed purpose of his ma-
ty's Orders), it would have secured to
s country the exclusive commerce of
nerica, and her alliance against a power
ich would thus have been the common
emy of both.—That we believe and
pe that it is still open to his majesty's
vernment to renew, on the basis of this
oposal, the commercial intercourse be-
een this country and the United States;
ery interruption of which we consider
manifestly injurious to the interest of
th countries, and calculated to assist the
signs of our enemies, and to weaken our
n resources.—That we therefore most
mbly pray his majesty to adopt, with-
t delay, such measures as may best tend
the immediate re-establishment of the
mmercial intercourse between his ma-
sty's dominions and the United States of
merica; and to bring, by temperate
d conciliatory negociation, all other
ints to a just and amicable conclusion,
suring his majesty of our firm and inva-
able support, in maintaining against
ery unjust aggression, and every novel
aim, the antient and essential maritime
ghts of his majesty's crown."

Mr. *Stephen** acknowledged the diffi-
lty and disadvantage under which he la-
oured, in rising to answer the arguments
the hon. gent. who had just sat down;
ch was the eloquence with which they
ere enforced; still, however, he could not resist the zeal that prompted him to undertake it. There were many arguments and practical conclusions, in the course of that able, fair, and eloquent speech, from which he differed, yet there were also many points that had his entire assent. He most heartily concurred in the general principles contained in the extract which he had read from the farewell Address of general Washington. The hon. gent. had applied himself to those who were actuated by considerations of morality in national transactions. He hoped that this included the whole house; he hoped that all who were then present, believed national morality to be inseparable from good policy; and if he ever acted in violation of that principle, it ought to be attributed, not to intention, but to a defect of judgment. The hon. gent. had said, that it might be alledged as a charge against him, that he was not sufficiently zealous in the cause of his country, because he undertook to advocate the cause of America against his country, when justice was on the side of the former. He assured him that his conduct should meet no such illiberal construction from him, and that he completely joined with him in believing, that the cause of justice ought to be advocated wherever it was found. The hon. gent. had said, that though he defended the cause of America when he thought it just, he would always be ready to fight for his country if matters came to that extremity. He believed there did not exist a heart more truly British than that of the hon. gent., who was an ornament to the democracy, as a noble lord (Grenville) in the other house, who adopted the same course, was an ornament to the aristocracy. When he, therefore, was in opposition to them, he felt it incumbent upon him to state his reasons. The difference between them was, as to the facts of the case, and when these were correctly understood, he had a right to range their opinions on his side. The hon. gent. had said, that a war with America would be popular with some persons in this country. He was sorry that that hon. gent. had said what might produce an effect in America very different from what he intended; he was very sorry to be obliged to believe, that there could be any so forgetful of all the feelings which a similarity of language, of origin and political freedom, were calculated to produce, as to wish for a war with America; but if there existed a monster of that description,

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* Since the above was prepared for the
ress, the Editor has been favoured with
full Report of Mr. Stephen's Speech;
will be given at the end of vol. xiii.

he assured the hon. gent. that he felt very differently from such a person upon this question. A war between this country and America, would be a far greater triumph for the enemy of liberty, than any he had ever gained. The great usurper had already subverted thrones and ancient dynasties; he feared he might add, he was about to accomplish a triumph over the *amor patriæ* itself; but he had not yet, nor, he hoped, ever would, obtain a victory over the sentiments and the honour of England. If in popular assemblies, if in America, ruled by a popular government, there could exist a feeling amicable to French tyranny, it would almost furnish an excuse for the destruction of such governments, as could be deluded with a friendship so hostile to their true interests, and so opposite to their ruling principle. The hon. gent. had talked of a point of honour, which he represented as the ground of difference between this country and America; and for his own part he could say, that he would be willing to yield much, he would practically yield much of the point in contention, for the purpose of promoting the ends of peace. At the same time it could not be said, that we now had a threat hanging over our heads to frighten us into the concession; the experiment had been tried, it was put in force against us, and completely failed. The hon. gent. seemed to think that it was a point of false honour for which this government was contending; in that he could not agree; he was willing, however, as he had already stated, to yield something, though not as much as the hon. gent. The hon. gent. would give America diamonds for the purpose of conciliation, because he thought them counterfeits and pebbles; but he (Mr. S.) would give them a portion of the same precious articles, under a due impression of their value. On other questions the house was called upon to decide before the necessary papers were laid before the house; in this instance the necessary papers were long before them, though the hon. gent. did not take the trouble of assisting himself by an appeal to their contents; nor had quoted a line of that Evidence the house had been collecting last session. It seemed as if it were the system of the opposite side to reject information altogether, and stand upon the ground of their own views and their own surmises. Information to them was what sand was to a balloon, taken in to be thrown out again, that the machine might ascend without obstruction; they were sometimes in such haste that they would hunt before the hounds, and always had an objection to the incumbrance of any information which might make against the cause they wished to be successful. Instead of availing himself of the information on the table, the hon. gent had adverted to certain prophecies which he stated to have been falsified. Before he came to the evidence, he would glance at these prophecies. Some of them h would leave to those who heard them But when it was said that it had been prophecied that our trade would increase after the Orders in Council, he must say, that this prophecy, instead of being falsified had been most amply fulfilled. Th hon. gent had not condescended to loo at the situation in which our trade was before the Orders in Council had been issued. He said that our Commerce had flourished in spite of the Berlin Decree but it was to be wished that the hon. gent had looked at the evidence in order to see how it stood before and after the Berlin Decree. He was sorry that, by omitting this, the hon. gent. had imposed on him the task of trying the patience of th house.—Mr. Stephen then proceeded t read several extracts from the testimony of Mr. Wm. Hall, Mr. Molling, and other witnesses, to shew the mischief which ha been done to our Commerce, and that o neutrals, by the Berlin Decree, which was represented as never having bee acted upon at all. These passages went to prove, that our trade with the continent was at a stand subsequent to the Decree and previous to the issuing of the Order in Council. This part of the case was most important, because, from the gross misrepresentations that had been circulated on the subject, an impression seemed to have been produced in America, that our commerce had not suffered any material diminution from the operation of the Berlin Decree. Owing to this circumstance the Americans were not properly aware of the strength of the ground upon which our Orders rested. The whole reliance of America was on the non-execution of the Berlin Decree, and the argument was, that as the Decree had not been executed with regard to America, we ought not to retaliate upon her. This was complete mistake, as to the fact. As proof of this, he referred to the evidence where it appeared, that in consequence o ke Berlin Decree, even in the direct trade etween this country and America, the surance had experienced a considerable vance,—of from 30 to 40 per cent. at the insurance upon American ships the Continent, if they happened to uch at this infected country, was still gher—and that the insurance upon e direct trade to the Continent was so igh as to amount to a stoppage. Here as a convincing proof that our comerce had received a fatal check, preous to the issuing of the Orders in ouncil. It was unnecessary for him to p over the whole of the testimony, as it as well-known that many of the most espectable and best informed witnesses ad deposed to the same effect. But the atter did not rest there, for, from the reurns laid upon the table from the Customouse, it appeared that in consequence of the trict execution of this Decree, no less than 5 ships had, in the space of two months rom the 1st of Sept. to the 30th of Oct. esired permission to reland their cargoes. Was any further proof necessary to estalish the melancholy truth that our trade as laid prostrate by the Berlin Decrees, nd effectually obstructed before the adoption of the Orders in Council! It might ppear to some, that he had occupied too much time on the point to which he had pplied himself, but it was so essential to he question before the house, and was ikely to produce, and had produced, such n effect upon the opinions and the policy f America, that he thought it of the greatest consequence to dwell upon it; he would, therefore, beg leave to notice a periodical publication of great notoriety nd character, in which the principle was sserted, that there was no interruption to he trade of neutral vessels, until the Orers in Council took place, in which it was also avowed, that until that moment the nsurance was not raised. Those statements, so contrary to the truth, had gone forth in a publication known to be favourable to the other side of the house, and they had made their way to America, and made their impression. The publication to which he alluded was the Edinburgh Review, which was constantly hostile to the Antigallican measures of this country. The hon. member here read an extract from the work, wherein it was stated, as he contended, in the teeth of the evidence, that the trade of neutrals had not been interrupted by the Berlin Decree; that the rate of insurance had remained as before; that the Decrees had neither been enforced nor acceded to, till our Orders had appeared, which had produced all the mischief; and that we were answerable for all the distress which had resulted from the obstruction of commerce. The same line had been taken by the daily prints attached to the party on the other side. America had made use of this argument, and alledged that our trade had suffered no damage from the Berlin Decrees; and even the British party in America had not been bold enough, in the face of such open and continued misrepresentation, to state how the fact really was; Mr. Pickering, who had so ably and so justly defended the British cause, had not stated it. The misrepresentations were so bold that the friends of truth had been afraid to advance it. These misrepresentations he compared to the audacious impostures of the profligate usurper, who had represented the defeat of the French at Trafalgar as a victory; who had represented the brave and illustrious Palafox as a fool and a coward; and who had represented the defeat of the French at Corunna as a victory gained over the British army by one fourth of its numbers. These falsehoods were published for the sake of a temporary effect; but they were so gross, and so often repeated, that they began to lose all credit. But the British press had not as yet been reduced to this degraded state and character: and, consequently, when the misrepresentations from that source arrived in America, they misled the people of that country. And even the government of that country appeared to have fallen into the same error; for though they had the evidence in their hands, yet they could scarcely bring themselves to imagine that such audacious misrepresentations could have been made in the place where their falsehood was so open to detection.—He admitted, that, if the fact had been as represented by the hon. gent., that the commerce of this country had been untouched by the Berlin Decree, we would not have acted with that friendship and good understanding towards America, which ought to have animated our conduct, in issuing our Orders in Council. The foundation of the hon. gent.'s reasoning however, being done away, his whole superstructure fell to the ground, and all his arguments dropt. The Berlin Decree did not operate during the whole of the nine months argued on by the hon. gent. but only during forty days of that period, namely during the month of September, and the 10 first days of October, within which period our trade had been annihilated, and actually amounted to nothing. The hon. gent. had regretted the circumstance of his being opposed to professional men: but the way to argue was, to get premises before they came to conclusions, and the house needed no lawyer to tell them that. Having established the fundamental point, which was the great point of difference between the hon. gent. and himself, he thought the subject was relieved from much of its difficulty. It might be asked what we had gained by the Orders in Council?—To which he would answer, all that we had not lost. In this way, the question was not how much our trade had encreased under the operation of the Orders in Council, but that in reality all we had; all that was now left to us, was owing to them. If he saw a man drowning in the Thames, and were to take him up in a boat, and restore suspended animation, would that person be entitled to reproach him next day, because he was not more strong and healthy than he had been the day before he fell into the river? Would it not rather be esteemed sufficient that he was not in that miserable state in which he found him, but that his condition, though not so strong as before, had been somewhat improved through his means? He was astonished to hear it contended that through our Orders in Council, we had lost the trade of America. The non-importation act, and the embargo, and not our Orders in Council, had excluded us from this trade. Gentlemen who had used this argument, were at length driven to the desperate plea that our Orders in Council had produced both of these steps on the part of the American government. To prove the fallacy of this idea, he read the evidence of Mr. Inglis, the East India director, who stated, that but for the Orders in Council, the Berlin Decree must have had the effect of depriving us of the commerce, not of the continent, and of North America alone, but of that of the New World also. The question, therefore, was to be considered as between what we now were, and our utter annihilation as a mercantile country. This being so, he would frankly own, great as his desire was to continue on amicable terms with America, that he would rather see the country engaged in a contest with America than be reduced to such a state as this. He agreed with the hon. gent. that the greatness of this country depended in a considerable degree on external causes. He did not like the term factitious, but if to be used, he must agree that not its greatness only but its safety was factitious. The depression of our marine superiority was not consistent with our existence. This was a state of things to which we were not to submit, even to purchase amity with America.—The hon. and learned gent. expressed his surprize at hearing the hon. gent. say, that we had no right, by our Orders in Council, to liberate ourselves from any novel and unjustifiable situation to which our enemy might attempt to reduce us. If our enemy aimed a vital blow at our commerce, were we not entitled by the law of nations to stand on our own defence? He felt pride and consolation in echoing back the testimony of admiration of the worth and learning of the great Civilian to whom the hon. gent. had alluded so affectingly in his speech. It was impossible for him to find terms adequate to the eulogy of his late hon. and learned friend, whose learning and knowledge were only equalled by the generosity with which he allowed his friends to draw upon his superior stores. He could state, however, with boldness, that were that learned gent. now in that house, he would not go the length of the hon. gent. in saying that we were not entitled to retaliate. Nothing could equal the insolence practised towards us by a power, who while she could not shew a single flag on the ocean, dared to declare the ports of so superior a maritime power in a state of blockade. Such an insult, and the evils it was calculated to produce, we were warranted by the law of nations in resenting, and also in retaliating. He should refer for a precedent to a book, not merely of law, but of history. In the struggle between Philip the Second and the Dutch, who were then the principal carriers for the different powers of Europe, a Decree had been issued by Philip for restraining their commerce. This Decree was afterwards revived, and all the Dutch ships sailing under neutral colours which were found in the harbours of Spain, Portugal, and the Netherlands, were seized. The Dutch immediately retaliated, by issuing a Decree prohibiting all intercourse, and ordering the seizure of all ships bound for the ports of Spain, Portugal or Flanders. No answer, complaint, or remonstrance was made against this Decree. So much the reverse of it, the French king issued a Decree, stating, that if his subjects should trade with Spain, &c. for the next six months, they must do so at their own risk. England, too, acquiesced in the justice of the Decree. So much, therefore, for the unprecedented nature of the right now exercised by the British government. He called upon any gentleman on the other side to point out to him an instance in which retaliation was found to be against the law of nations. It was reserved for the present governor of France to conceive any thing so out of nature against us as this; and then to contend that our resisting it was to be objected to, as an act against the law of nations. It was impossible that we should be surprized that our conduct should be questioned in America, when we ourselves in that house differed from each other upon the subject. He did not object to the hon. member for supporting what he esteemed the cause of justice, he only begged that he would not carry that amiable quality to excess, and that he would not without proof suspect or accuse his own country of being guilty of injustice. He trusted that he himself held the cause of justice in equal respect as he was convinced the hon. gent. did; but he could not go the length of taking every thing for granted, that went to militate against this country and its most essential interests. He could not conceive that it was possible to say, that America, in the last proposition made to this country, had made any thing like a declaration, that if France adhered to the Berlin Decree, the consequence would lead to a war between the two countries, or that she would arm her merchantmen to protect them against the Decrees of France. He maintained, that, instead of being an offer to this effect, it rather went to exclude the idea of such a course being at all in the contemplation of America. It only went to declare that, in the event alluded to taking place, the embargo against France should be continued. This seemed to him to be totally unintelligible. The moment the ports, whence vessels were to proceed, were opened, there ceased to be an embargo. There might be a prohibition against their proceeding to certain particular ports, but this was not in the nature of an embargo, but of a prohibitory decree. What security would such an Order hold out to Great Britain that these vessels the moment they left the ports of America would not proceed direct for France? Would America pretend to tell us that her prohibitory decree, after the vessels had left her ports, would have more effect in preventing an intercourse with France, than the vigilance of our maritime power? There was no point more firmly established in our prize courts than this, that we have no right to give effect to the law of another country: That we had no jurisdiction in the municipal law of another nation. The only tendency therefore of the propotion made by America, would be to annul our Orders in Council, in consequence of which our cruizers would no longer have any power to make seizures of any neutral vessels proceeding to France, in lieu of which America would give us a mockery instead of a reality of security against such intercourse with the territories of our enemies. There could, the learned gent. submitted, be no better proof, that the prohibitory law would be evaded, than that, which had actually been proved, that the embargo had been evaded. He proceeded to read evidence in proof of this assertion, and asked what then would be the case when there would be no embargo, and the Americans would have it in their power to go to the ports of France and Spain, as well as of England; America, therefore, neither proposed to restrain the unjust Decrees of France, nor even to say, she would not trade with her. That America should go to war with France, the learned gent. was far from desiring. All he asked was, that she should not trade with France and the other enemies of G. Britain; and this he asked of her only so long as they interdicted her from trading with us. The American Note did not even offer the assurance that she would continue the embargo against France until France rescinded her Decrees. Such was not even the meaning of the words.—The learned gent. then proceeded to consider the terms of the offers of the American government to France, and asked, would any man say, that to confiscate a vessel for touching at England was a municipal regulation agreeable to the law of nations? Yet Mr. Armstrong, the American Minister, states at Paris that this would not be any violation of the law of nations. France obtained her municipal legislation over Hamburgh, by marching an army into that territory. She obtained a similar power over Portugal, by compelling its lawful Sovereign to abandon his country, because he would not submit to the unjust Decrees of a despot. Yet, these now, America allows to be all sacred legislations. England had not acknowledged any municipal authority of France in Spain, Portugal, or Naples. But, upon the same principle as that already acted upon by America, if France were to make an attack on Ireland, America might say she was entitled to trade with Ireland, as under the rule of Buonaparté, and to call it municipal legislation. If that case could not be justifiable with respect to us, neither could it be defended as applied to our allies. The house of Braganza had done nothing to forfeit its rights, and therefore they must be supposed still to exist. —The learned gent. proceeded to comment upon the instructions on which Mr. Pinkney acted, and shewed from their obvious import that he had no authority to say when the non-importation Act or the embargo were to terminate. All, therefore, that he seemed to have in view was, that our Orders in Council should be rescinded, in the mean time leaving to the President of the United States to consider when it might be agreeable to him to discontinue the non-importation act and embargo, at the distance probably of six or eight months after our Orders in Council should have been rescinded. There was one omen, however, from which he drew consolation. He hoped the new government of America would shew more attention to the legitimate rights of other nations, and to the real and essential interests of the United States, also, than the former government had evinced. This he was induced to hope from the speech of the President to the house of representatives, in which it was more unequivocally declared than formerly, that if Great Britain would rescind her Orders in Council, the American government would rescind their Non-Importation Act and Embargo, and would continue both as to France. He hoped that this would lead to a proposition not so objectionable as the former. The rejection of the offer formerly made under such circumstances, seemed to him to be a duty which ministers owed to the country. The acceptance of it would have been parricidal. But the hon. gent. opposite (Mr. Whitbread) was dissatisfied with the terms in which the Answer had been conveyed. He considered it as too sarcastic and satirical, and too much resembling the speeches in that house of the right hon. Secretary for Foreign Affairs. Whether that right hon. gent. used his tongue or his pen in his defence or justification, he could well suppose that his opponents did not much like his stile. He admitted that if the Paper alluded to was sarcastic, it was out of place; but still he had not viewed it in that light. He was not surprised that the hon. gent. and others who acted with him, thought the paper satirical, viewing it as they did. They might think the paper conveyed a joke, but it was no joke to the commerce of this country. The hon. gent. had stated, that on its arrival in America the paper in question had given offence. He understood that there was a violent speech made against it by one of the French party; but he had seen letters of a very contrary tendency, which even went the length of stating that this very paper had had the effect of turning the tide of public opinion in that country. The hon. and learned gent. then read a letter which he held in his hand from a respectable person in America, stating, that the people of that country were prepared to abuse the English with words, but that they would never go farther, nor proceed to blows; that the English ministers acted wisely in leaving them to themselves, and that Mr. Canning's Note had produced a good effect. What effect the speech of the hon. gent. (Mr. Whitbread) might produce, when it got to the other side of the Atlantic, he should not pretend to say. The honourable gentleman had, besides, said, that the Orders in Council were the cause of the Embargo. This the hon. and learned gent. by various able and judicious arguments endeavoured to shew was not the case. To prove this he alluded to a communication from the President, which was stated to contain an account of the policy and causes which produced that measure, and in which no allusion is made to the Orders in Council of the 11th Nov.; but reference is had to the Order of the 7th Jan. 1807, and to the correspondence between Mr. Armstrong and M. Champagny. He also maintained that on the 17th December, the existence of the Orders in Council was unknown in America; and that on the 18th of that month, at the Central City of Washington, the measure of the Embargo was recommended by the President to the American Legislature. He was, on the whole, of opinion, that America had not acted that even part the hon. gent. gave her credit for; but, still hostility with America was the farthest thing from his wishes. He had no doubt matters would be amicably adjusted, not by America going to war with the Ruler of France, but by abstaining from commercial intercourse with him. The hon. gent. had, vever, in his strictures on the prophes of last session, forgot the prophecies his side of the house, that our colonies, thout the assistance of America, would ruined, and our colonists starved. nerica had continued her Embargo; still our colonies had not been ned, nor our colonists starved. On contrary, by comparing the state our colonies with what it was previous the Orders in Council, it would be found be greatly improved. He could not ree to the Address which had been ved, and which was calculated, in an lirect manner, to rescind the Orders in uncil. Such an address would not prote but defeat the end in view. If he certained any doubt as to the sentiments ministers on this subject, he should vote ainst them. But he had none. He ew they were anxious, as he was, for ace on any terms not inconsistent with maritime rights of the country. But would never agree to purchase a peace consenting to any measure calculated ruin our commerce, and to starve our anufactures, and our navy. The motion the hon. gent. would go in substance to repeal of the Orders in Council, and ould therefore be opposed by him: it uld even go further, for it would fruste the very object, which the hon. gent. mself professed to have in view, and ght therefore to be negatived by those, o wished well to that object.

Mr. *Alexander Baring* spoke in support the motion, and in reprobation of the rders in Council, which he contended, d by their operation materially injured e commerce of this country. He thought, determining upon the impolicy of the easures adopted towards America, we ere sufficiently justified by the experice of the last 16 months. At the same ne, he was not inclined to enter into an amination of all that mass of evidence hich lay upon the table, because it was various, that almost any argument ight be drawn from it; and the same bservation would apply to any conclusion at upon indifferent or private letters transitted to this country from America.— opposition to what had been advanced the last speaker, on the authority of a rivate letter, he could assert, that such a hange as he had mentioned was not speely expected to take place in the public pinion in America. Any gentleman, ossessing a correspondence in America, ight produce one or two letters to support his own opinion, whatever it might be. He could not say whether the Embargo was resorted to altogether in consequence of our Orders in Council; but it must be evident to every man that it was in consequence of our conduct, and of that of France, in the present war. The ruinous effect of the Orders in Council might be estimated by the amount of the loss sustained by the commerce of this country within the last year; which upon the Imports of England exceeded six millions, whilst the defalcation in her Exports was upwards of five millions, so that if the deficiency for Ireland and Scotland were taken at two millions and a half, which he did not suppose to be an unreasonable estimate, the whole amount would be but little short of 14 millions. This loss, he said, had undoubtedly been felt more or less in every corner of the empire, but it had fallen with dreadful weight on our manufacturers in particular. Thousands of those unfortunate persons must inevitably have been in a state of starvation, had it not been for the generosity and humanity of their employers, who at the time they were deprived of their best market, gave them half employment rather than suffer them to be wholly without the means of subsistence, and thereby to become so many burthens on their several parishes. But even this liberal conduct of the master manufacturers was in a great measure checked; for whilst they by the loss of our exports were deprived of a market for the manufactures they had on hand, they suffered in almost an equal proportion from the deficiency in our imports from America; for the raw material had become so scarce, and in consequence so high in price, that in many places it was not to be procured. This had been felt with peculiar hardship and severity in Manchester, where there had been during the last year, or the greatest part of it, only 9 cotton mills in full employment: about 31 had half work: and 44 had been without any at all, and totally useless either to their owners or those dependent on them for bread.—The hon. gent. then combated a great many of the arguments of the last speaker, relative to the effects which the Orders in Council had produced upon our commercial interests, upon most of which he appeared to differ completely from the deductions he had drawn. He (Mr. Baring), contended that with respect to our trade, the Berlin Decree had been a mere dead letter, and he would not allow that the hon. gent. who had just sat down, was warranted in the results which he had inferred from such parts of the evidence as he had then read, and which were unquestionably selected from the mass that had been laid before the house last session for the purpose of diverting its attention from the chief point of the case which was this night intended to be submitted to the consideration of the house.—The hon. gent. who spoke last, had strenuously contended that the embargo had not taken place in consequence of the Orders in Council, because it appeared from the Message of the president, Mr. Jefferson, to the Congress, that the Orders in Council were not at all mentioned or alluded to. He thought, however, that hon. gent. and others might be misled, by not attending to the difference between official communications and those which were not so. The president of America might not have received official notice of the issuing the Orders in Council, but it was well known that an American newspaper had actually published the substance of those Orders, before the Meeting of Congress, and that, notwithstanding there might be no mention of them in the Message, both the President, the members of Congress, and the people of Washington, were perfectly acquainted with their existence, and they were generally supposed to be the incitement to, and the cause of the embargo. This would be corroborated, if reference were had to what had been stated in Congress, and the explanation given by Mr. Pinkney. Be that as it might, however, it was a certain fact, that both countries had already been great sufferers, and in his opinion, the sooner the olive branch was held out, the better it would be for both. He was afraid there would with many be a considerable impediment in the way, on the score of what was called concession; he could not but agree with his hon. friend who brought forward the present motion, that there appeared to be among the people of this country, somewhat too harsh and unfavourable a sentiment and feeling towards those of the western continent. He lamented that such should be the case, but entertained a hope that the time was near at hand, when each country, viewing its respective interests through a dispassionate medium, would be willing and desirous to shake off all unfavourable prejudices, and mutually extend the hand of amity and reconciliation. He was of opinion that the present motion was, as a preliminary step, well calculated to produce that desirable event, and as such it had his most cordial support.

Mr. *Rose* said, the measures which had been adopted by the American government, and which we had reason to complain of as directly hostile to this country alone, were two; viz. the Non-Importation Act and the Embargo. The former had been passed in Nov. 1806, and was positively directed against the merchandize and manufactures of this country only; and it could not therefore be occasioned by the Orders in Council, for they were not then dreamt of. The hon. gent. who had just sat down had said, that an American newspaper, which contained the substance of the Orders in Council, had been published at Washington, previous to the meeting of Congress, when the President sent the Message to them, recommending the embargo. He had in his hand the Message which had been referred to by his hon. friend (Mr. Stephen) in which there was not one word or syllable even hinting at the Orders in Council. That was on the 1st of Dec. 1807; and, a week after that, a letter was written by Mr. Madison to Mr. Pinkney, in which also there was no mention of these Orders, but in which Mr. Madison distinctly said, the policy and causes of the embargo are contained in the Message; so that it was evident the Orders in Council had not at that time entered into the President's head. As to what had been said respecting the overstocked state of the Brazil markets, he could suppose, that there might be some few articles there, which were superfluous at present; but to such an amount as the hon. gent. had stated he could not lend his belief. But the hon. gent.'s memory must deceive him with respect to what he had stated him (Mr. Rose) to have said concerning the Brazils.—He then proved, by various arguments, the Non-Importation Act to be hostile to this country, and this only; and combated the assertions made by the hon. member, respecting the decline of our commerce, by laying the following statement before the house:

	£.
Exports to American States, from England, for the years ending March 1806 and 1807 - - - - - - - -	11,774,000
Ditto in 1808 - - - - - -	5,784,000
Decrease in 1808 - - - - -	5,990,000

	£.
ports to all parts of America, xclusive of the American tates, but inclusive of the British and French West Inies, in 1808 - - - - -	12,859,000
to in 1806 and 1807 - -	8,629,000
rease in 1808 - - - -	4,230,000
aving on the whole a decrease of - - - - - -	1,760,000

But to set against that decrease, should taken into the account the mercantile fit on the 4,230,000*l.* which, in the y the trade was before carried into se countries, was entirely to the profit the Americans; and the profit (with all consequences attending it) on the Brin shipping employed, instead of the nerican shipping.

	£.
e British goods exported to America in 1808 - - -	5,784,000
e consumption in America from accounts from thence in 1808 - - - - - - -	5,153,000

So that under all the embarrassments of n-Importation and Embargo imposed in nerica, we did in fact, last year, send ods there to the value of their consumpn; and we had the profit of the ineased trade to other parts of America, ich the United States had before. We prived the enemy of the whole of the lonial produce to the amount of more an nine millions. Thus, instead of the pending ruin, which it had been declar- hung over our heads, it appeared our de had sustained but a very inconsideble diminution. Dreadful prognosticans had been delivered of the suffering ich our West India islands were likely experience; he was happy, however, state that these fears had been groundss. He then read two letters from Jaaica, the purport of which was, that, expt in the article of white oak staves, ey had, in that island, suffered very lit- by the interruption of their intercourse th America; that the West India anters had turned their attention to the ising various articles of provision for the pply of which they had formerly dended on America: and they had prov- by experience, that from what they ere enabled to raise themselves, added to hat they obtained from our other Amerin possessions, they had little to fear om the want of supplies, which, till then, ad been furnished by the United States. One permanent consequence of this, was that it had been found, that Canada alone could furnish all Europe, as well as our West India islands, with that article which they most wanted, viz. white oak staves. In 1807, we had 8,000 tons of shipping in our trade with the United States, and we had increased it tenfold with our own colonies. No man could more sincerely wish for conciliation with America than he did, for he was certain that America could not suffer without our suffering also.—The right hon. gent. concluded by stating, that considering the aggravation which this country had received from America, he should vote against the Address.

Mr. *Grattan* rose and said, that it was in the common phraseology of every member rising to speak upon almost any subject to say, that that subject was important. The question now before them was indeed of that character. There could be none, perhaps of greater importance, except that by which we lost America. The same temper that then broke the connexion between England and her colonies seemed to be revived again, and to be now studiously busy in effecting the connexion between America and France; and yet the success that crowned our policy at that time, should make us now rather industrious to avoid, than ambitious of retracing its disasters. I would, said Mr. Grattan, anxiously direct your observations to that eventful time, not to incite you to an imitation of those who went before you, but to deter you by their example—that we may profit by their errors and their failures, and that thus their disgrace may be made of use to their posterity. I recollect the history of that day when America stood up against us, and resisted England and oppression. What in that day was the language of this house? It was the language of complaint; complaint that our colonies were worked up into unnatural rebellion by the speeches delivered in this place. The Opposition was the cause of all, and the Opposition only. The Americans took their instinct of resistance, not from their charters; not from the spirit that because it will, must be free, not from their condition as the colonists of a free people, not from their right of birth as the descendants of a British people, but from the mouths of a faction in this house. This was the language then, and what are we told now? That America is angry, not because she feels the effects of your in-

injustice, but because there are men in this house who complain of that injustice, and that such language opens her eyes to injuries that would otherwise escape her notice. Though this goes to attack the privilege of speech, in this place, it shall not deter me from speaking what I think; for sure I am, that the fate of America depends on that of England, and that of England is nearly, most nearly, interested in the welfare of America. The right hon. secretary has himself admitted this in the conclusion of one of his Letters to Mr. Pinkney. I was happy to see that admission; but should have been more so if the letter had been consonant with the principle of that admission. The hon. gent. who was second in debate, argued, that America acquiesced in the maritime restrictions imposed by France. I deny it. She resisted the Orders of Berlin. She resisted the Decrees of France. Gen. Armstrong remonstrated repeatedly and spiritedly.—Here Mr. Grattan went into a detailed statement of the conduct of gen. Armstrong at Paris, and commented on it as he went along. He next proceeded to argue, that the Embargo was the effect of our Orders in Council. But, said Mr. Grattan, if they are not the cause of that Embargo, why is that Embargo continued? What continues that Embargo? America offers to take off her Embargo if you will rescind your Orders: do you doubt the sincerity of the offer? for one gentleman seems to point out as much. If you do, I ask then, will you go off upon that, will you rest upon that, and say that if America is sincere in the offer, you will accede to it; will you say this? If you will not, again I ask, what continues the Embargo? Who is now the cause of the Embargo, when you yourselves refuse to do that which, if done, would remove it? (Hear! hear!) Is it so? Then how does the country stand in point of right? Do you join with an unoffending neutral, and visit France with the consequences of her own insolence and injustice? No; but you join yourselves to France against that neutral. It is the bad retaliation of a worse principle; it is a sort of wicked emulation in injustice; and if it be warrantable in us in this instance, then extend the argument, and what will it amount to? Why, to this; that if France, instead of declaring against the commerce of neutrals, should declare against their liberties, against their lives, you, in the spirit of this retaliation, losing the spirit that made you what you are, are to trace th footsteps of the same atrocities, makin the measure of French wrong the measur of British right. The application appear monstrous, but the principle is the same extended perhaps, but certainly no changed, and whether less or greater, i every shape a monster! for, qualify it a you may, it goes to the root of the law o nations; it goes to build up a system o wrong retaliating wrong, and injustic combating injustice, that can only end i an undefined suspension of the dominio of right (Hear! hear!). Taking as i were the laws of nations theoretically fro God, but at the same time learning thei practical application from the enemy And in pursuing such conduct, whose wor is England doing? Who now enforce the Orders of Berlin? England. Wh now enforces the Decrees of France? England. Who created, who continues the Embargo? England. She does more, she repels America from her: she does still more she drives her into the very arms of France But to all this you say, "we will figh France with her own weapons," as if he principles could be your weapons! No no; we have fought too long and too nobl to begin now to fight away our nationa character against the well-practiced iniquity of France. Let us fight in n cause we do not believe to be an hones one; and let our weapons be as honest a our cause. So much for our justice.—Loo to the principle now as it affects our trade The avowed object of those measures i the sustenance of our commerce. Is America—our own America—our colonize America—our solitary neutral, to be injured, that our commerce may be improved Are you quite sure that injustice to th one would not be injury to the other?— Commerce, applied to us, includes America; and yet is one to be promoted b the industrious subjugation of the other We know our strength is our navy; w know our navy is identified with our commerce, and who will say our commerce i not improved by our intercourse with America? America is naturally your friend she is your descendent; she is the fountai of the staple commodity of Ireland; sh is the great Western barrier, and little disposed or calculated to be your riva Before those restrictions, I mean the yea before the operation of the Orders i Council, your exports to America wer more than twelve millions, your impor upwards of six. How is Ireland now wit respect to flax-seed? How is this country s to cotton? Consider well before you give up a growing country, adding abundantly to her population, that was increasing your wealth by the consumption of your manufactures; a country where the tyrant mace of Buonaparté never arrayed. To give up such a country requires great countervailing advantages: Where are they to be found, if you do? Can you coerce the continent of Europe by the exclusion of all colonial commerce? Impossible! You may banish luxury from Europe; you may abolish the refinements that enervate your enemy; you may convince him, that superfluities are not necessaries: you may prove to him how many things he can live without; you may make Europe an univeral soldier; you may barbarize Europe, and in degree martialize her, and England will fare the worse for it. Buonaparté knows this well: that superior man of mischief is glad to see you resort to his own weapons, for he calculates that as yet, and for a long season, your iniquities must be too shabby to affect him seriously. The hon. gent. who was second in this debate says, that America is indisposed towards us. I lament it and would remedy it. Abolish that repulsive policy towards her that you have used too much, and that you have been glad to use towards her. You have gradually chilled her into a state of frozen alienation, and then you charge her with the ingratitude of coldness; and what have you done it for? To compel her to come over to this country, and pay a tax to us for allowing an independent country the privilege to trade! to pay us a tax for carrying on her own trade! But what effect must this have upon America? You will send her in quest of those resources that will ultimately make her independent of your manufactures. So that you make the enemy a nation of soldiers, and America a nation of manufacturers; and thus do all you can to enable the one to beat you, and the other to starve you (Hear! hear!). I say again, I lament the feeling of America towards this country. I lament that you have provoked that feeling. With a sort of tedious pertinacity in ill offices—a teizing restlessness,—a kind of incapacity to be quiet, you have fidgetted yourselves out of the affections of America. You have not acted with wisdom, you have not acted with dignity; your strength lies in the entirety of your commerce. There has been too much of a meddling spirit of envy, that should have been foreign to so great a people. Why should we have been so jealous of the little trade of comparatively an infant state? You should have put such thoughts far from you: in entertaining such views you descended from the grand elevation that was peculiarly your own, to meddle in a little game with which your dignity should not have suffered you to interfere; you have lost much by dealing in small games. You have long been too great to profit by them; look back to the time when you possessed one continent and influenced another; you lost the one in a wanton effort to put about 100,000*l.* into your treasury! You call this pride; it is the reverse; it is the want of pride; for if you had a just pride, you would know how to pause in your own greatness, and not descend to trifle in a rivalry that would betray rather the craving of monopoly than the spirit of emulation. Let England be to America what she ought to be, and America will be to England all that we could wish her. Be warned by the infatuation that once lost you America, and let not the same infatuation drive her now into the arms of France.

Mr. Secretary *Canning* said, that in rising at that late hour in the morning it was not his intention to trespass long upon the patience of the house; but he must beg leave to observe, that most of what had been urged upon the subject before the house, led to no practical conclusion; led to no recommendation of measures which it might be thought safe and politic to adopt. Almost all he had heard was lost in vagueness of conjecture or splendour of declamation. The question really was between England and France; not between England and America; and, if the question involved matters of a delicate nature, which were not inconsiderately, or prematurely, to be exposed, the fault was with those who called for the Papers, and provoked the discussion; not with those, who, while they deemed it their duty to shrink from no inquiry into their conduct, still felt the impropriety of being forced into explanations, which it were more prudent to postpone. He most certainly should have opposed the production of those Papers, had they not already appeared in print in another country, because he was sensible that the discussion of them was premature, and that they were not in a shape for fit and seasonable discussion. The blame, as he had already observed, must rest with those who recommended, and would enforce a parliamentary consideration of an incomplete and undecided question. An hon. gent. who had condemned the course pursued by his majesty's ministers had argued, that there was no necessity to take a retrospective view of the subject, and that the case was clearly laid open. He thought it impossible, on the contrary, fairly to consider the question, without seeing in what state it was when his majesty's ministers came into power. The hon. gent. seemed to consider himself as some great planet surrounded by satellites, to which he gave motion; if so, he fancied he was not within his power of attraction.—When the hon. gent. brought forward a motion, he certainly should not have pointed out the course others were to pursue; and, for his own part, he was free to own, that he particularly would not wish to be guided by him. The question before the house, however, resolved itself into three prominent points; the justice of the cause; its policy and expediency; and its management.—It was a statement between belligerent France and belligerent England, in which unfortunately America was involved, owing to our avowing a right of retaliation upon our enemy. The right of retaliation, or self-defence, was that which gave the means of resisting an attack from whatever quarter or source it might come. If the enemy attack you through commerce, you must resist him; if he seize on neutral territory to attack you, you have a right to pursue him through that neutral territory; if through a neutral fortress, you have a right to destroy that fortress. It was upon this principle of self-defence we had acted towards America; which principle, if not true, might subject us to censure. If we are attacked through neutral nations, we must retaliate; and this doctrine had been distinctly acted upon, not only by his majesty's present ministers, but by their predecessors. The Order of the 7th of Jan. laid the foundation of a broad general principle, which had only been acted upon in the subsequent Orders, so much the subject of animadversion with the hon. gent. opposite. And here he begged leave to appeal to the principles and the language laid down by his noble and able predecessor (lord Grey), whose authority he did not imagine the gentlemen opposite him would dispute. Much was said about observance of the law of nations. He was willing to admit that it was not upon the poor pretence of the existing law of nations, but upon the extension of that law, an extension just and necessary, that his majesty's ministers were to rely in the present instance for justification. The Order of the 7th of Jan. asserted the principle of retaliation, but limited and restrained its application; the old rule of 1756 was admitted, though contrary to his expectation; and when France knew no distinction between slave and slave, he thought England was justified in refusing to recognize any distinction between port and port.—It should not be supposed, he said, that the Order of the 7th of January was one jot more conformable to the ancient law of nations, than those for which the present government was responsible.—Any deviation from law was as much a deviation as if it had been made to any larger extent. The Orders in Council were to be defended upon this ground, that the present state of the world required the application of new principles, or the extension of old ones. When he and his colleagues came into power, they had found that the principle of retaliation was acted upon by their predecessors, mitigated in its extent, and limited and corrected in its degree, but manifestly and expressly intended to be farther enforced when circumstances and occasions should challenge the enforcement. But while he went so far with the former ministry as to admit the justice of the principle upon which they had acted, he confessed that he could not understand one part of their conduct in the negociation with America. He did no understand why, on the 30th of Dec. they should appear to entertain doubts, and hold forth expectations as to the policy they should adopt; and on the 7th of Jan all of a sudden, acquire such new light upon the subject, as to determine, withou farther hesitation, upon the adoption of the principle upon which that Order was founded. He did not understand why, after a promise of waiting the result of certain contingencies, they should in about a week decide without waiting for that result. I was a point in their conduct which he hoped the noble lord (H. Petty) could explain; he owed the explanation to America; he owed it to his friends, and to his country—It seemed to be a question, whether the act of the Berlin Decrees was an act o hostility or not. He was much surprised how any one could consider it a question It was said to be a mere municipal regu lation, instituted by France for her own convenience; but what was that municipal regulation, and where was its pretence to the character it had thus assumed? It was urged in support of its title to that character, that the Navigation Act of England was considered a municipal regulation; and it was asked, where was the distinction that should exclude the latter from the same class? The distinction was manifest, the regulation of the Navigation Act was a permanent one; it was one of long standing; it was known to all the world, and acquiesced in by all nations; it was not a regulation adapted to a particular exigency, arising out of the circumstances of the moment, and partaking of the partial and fleeting stamp of the occasion out of which it originated. Such was the distinction, which was obvious to his understanding, and he hoped would appear equally clear to that of the house. There was a principle which said that no right should be pressed by a neutral during war, but such as neutrals had a right to press during peace. America had said, in effect, that if France had omitted part of the declaration, she might still have retained her hostility to England, and America would be assisting her measures of depression towards this country. This was a justification of the principle upon which ministers had acted.—As to whether France was or was not the aggressor, he thought that question would obviously be decided by a slight review of the case. He was willing to allow, that if G. Britain had departed from the law of nations, if she had violated those principles that must ever be held sacred among nations as among individuals, and that the Berlin Decrees were justly deemed are taliation for that conduct; if this was the case, he admitted, that even the severity of the retaliation, could not justify the conduct of G. Britain, or afford the slightest palliation of the crime of which she would thus have been guilty. But in the papers transmitted from America upon this question, there appeared an anxious solicitude to give to Great Britain the priority in wrong; there was a sedulous endeavour to establish what never could be established—that there were violations on her part, previous to the Berlin Decrees, and that it was as a reprisal upon those violations, the Decrees were resorted to. Among these violations were enumerated the orders for impressing American seamen, founded upon the rule of 1756, and the proclamation of a nominal blockade. With respect to the former, it was justified by the rule upon which it was founded. And as to the latter, he could state, that there was force sufficient for the conducting of the blockade; which being the case, the charge of America against this country must fall to the ground. He was happy to have it in his power to vindicate the character of G. Britain; but it was a reflection, that interfered to moderate and depress his exultation, when he saw, that that vindication must involve the conduct of America in this censure, that she had brought a false charge, and persisted in it. The hon. gent. opposite had expressed a love for his country, in which he was certain that he was sincere; that hon. gent. must think favourably even of the prejudices that attached us to our native land, and therefore he was of opinion that he would join him in preferring the exculpation of his own country, and agree even to admit the operation of his prejudices towards it; that he would let them act to the influence of his judgment in a case where there was a doubt as to the justice, much more in a case where that justice was distinctly marked and unequivocally ascertained.—If it were true that France was the aggressor, and that the Berlin Decrees were acts of an hostile nature, the case of ministers was established. When the Order of the 7th of Jan. was made out, the preamble that accompanied it, avowed the principle of retaliation, at the same time distinctly reserving the full extension of that principle to another period. In Nov. it appeared to government that the Order of the 7th of Jan. had not, nor was not producing its proper effect, and that the extension of the principle recognized in it, was called for at that moment. The hon. gent., to prove that they were wrong, must shew that there was a distinction between the principle of the two Orders, which he would find impossible. As to the offer respecting the embargo, he thought that enough appeared from the Papers, to put it out of all doubt that the Orders had not produced the embargo. The hon. gent. had quoted Mr. Pinkney's letter; but Mr. Pinkney's expressions were such, as, if he had been anxious to select words to prevent such misapprehension on this subject, he could not have been more successful; he had done all that the language could do, to pronounce it a precaution against an anticipated measure. In the letter of the 30th of April, addressed to Mr. Pinkney from his government, he was desired, if G. Britain complied with his request of rescinding the Orders in Council, to give her to understand that the embargo might in some time be withdrawn.—Could there, he asked, be a greater degree of difference than between the positive offer ascribed to the American government, and this expression of a possible expectation, this doubtful holding out of an indefinite promise? And was it wonderful that he should desire a distinct official statement, rather than trust to his own memory, and be satisfied with a statement that seemed studiously loose? Mr. Pinkney, he admitted, did go very far in his conversation with him; but when he referred him to the ground on which he rested those promises and terms, it was to a document bearing no such instructions, but only proffering those vague assurances of which he had already expressed his disapprobation. As to the notice that he was censured for having taken of some newspaper misrepresentations, he could assure the hon. gent. and the house, that the sentiments of news-papers in that country were not to be regarded so lightly as in this; the fact was, they were a kind of document upon which the government itself acted, and by which it frequently transmitted its orders and sentiments to ministers resident in other countries. This made a misrepresentation from them more serious than it might first appear to be, and, even then, it was Mr. Pinkney who volunteered to explain, not he who called for explanation.—But when the proposition was made to Great Britain that the Embargo should be withdrawn, it was upon the stipulation that she should withdraw all her Orders, including that of the 7th of Jan. and abandon the rule of 1756; the inevitable consequence of which would be to exclude our armed ships from the ports in which we carried on our trade, while the armed ships of the enemy had access to them; thus exposing to capture and to ruin what it should be our endeavour, and was our dearest interest to defend. But if the Embargo with respect to England was raised, how could America put it in force against France? with what effect could she expect to do so? Did America know nothing at all of false papers? If the Embargo was raised with respect to England to-morrow, he would lay a wager, if it was consistent with parliamentary decorum, that, in the course of the next week, he would ascertain at Lloyd's the terms of a policy to France. The proposal was illusory; he might add, in the language of Mr. Maddison, it was insulting. Those who accused ministers of a disinclination to adopt pacific measures respecting America, must surely have lost sight of the line, temper, and manner in which his majesty's government had acted towards America since differences had unfortunately arisen between the two governments. Had they not sent a special mission to explain and apologize for the affair of the Chesapeake; and was not the mere sending of a special mission to such an effect ever deemed a sufficient atonement even by the proudest nations? Yet even then, was not the vessel that carried out our minister compelled to submit to the degrading ceremonial imposed by the Embargo? In short, we had rather gone too far, than done too little. We twice offered to negociate; yet the Non-Importation Act was not revoked. Would the late administration have done more? The present discussion, however, was imprudent, at a time when negociation was pending for the adjustment of differences.

Lord *H. Petty* supported the Address, and declared himself a decided friend to measures of conciliation towards America. He said his majesty's ministers, instead of acting upon the Order in Council as issued on the 7th of Jan. 1807, which merely interdicted the neutral trade of American ships between port and port, in the countries of Europe under the domination of France, extended it to all the seas of the world, and thus forced America to the Embargo. The American government in the late negociation, as was obvious from the papers on the table, evinced a friendly disposition towards this country, and a contrary one towards France. She offered to take off her Embargo in respect to this country, if we would rescind towards her our Orders in Council. And if we were disposed to this proposition, and only hesitated from a doubt of her sincerity, why was not some endeavour made in the course of negociation, to secure the exclusion of American ships from French ports, and obtain the consent of the American government for ourselves to secure that point, by making prize of all vessels of that nation, found approaching the ports of the enemy. It was the obvious policy of this country to excite hostility between France and America, and this would be the almost inevitable consequence of a cessation of the Embargo in favour of England, while it was continued towards France.—The noble lord then commented upon the spirit of the communication, and the effect produced in nerica by the letter of Mr. Canning to r. Pinkney, dated the 23rd Sept. 1808. aat communication reached America pre- ous to the election—a time in a democra- country of great heat and political zeal. hat was its effect? It was to be traced in e following circumstance: It was well derstood that in the various states, pre- ous to the election of a President, each ate elected an Inspector, to whom was legated the vote of that state for the ection of a chief magistrate. It was well own that on the appointment of the In- ectors, previous to the late election for a esident, persons from the federal, other- se the English interest, were almost uni- rsally returned. But such was the effect the able and well-timed communication the Secretary for Foreign Affairs, that e whole public mind of America was in- lted by his ill-placed irony; and the nsequence was, that a revolution of pub- opinion took place, by which the party America presumed not most friendly to nglish influence, was intrusted with the vereignty of that growing and extensive tion. Concurring, therefore, as he did, all the sentiments of his hon. friends, d wholly disapproving of the conduct of s majesty's ministers towards America, felt himself bound to vote for the Ad- ess.

Mr. *G. H. Rose* entered into some ex- anation upon the business of his diplo- atic mission to America, and said, that twithstanding the sole object of his em- ssy was to make satisfaction in the fair of the Chesapeake, he found it im- acticable to conclude the business with- t leading to protracted discussions, the ture of which were incompatible with e honour of this country. And even e very vessel on board of which he ent, was not suffered to remain in an nerican port, but under the direction of e commissioner of customs, and in such ation as he should point out. This was totally incompatible with the nature of e situation he held, as to induce his de- arture.

Mr. *Whitbread* then rose and said, that consequence of the anxiety expressed om all parts of the house for the question, should not detain them longer, but wave that privilege of reply, to which, by the courtesy of Parliament, he was entitled as the original mover of the Address. However, he could more freely dispense with the exercise of the right, inasmuch as every argument that was used by his opponents was ably met by the hon. friends who supported him; and where there was such a manifest deficiency in meeting his observations, he could not, at that hour, trespass on the house, even for the purpose of exposing the absurdity of such attempts. The only point on which he meant to remark was that on which so much stress had been put by the hon. and learned gent. who followed him in the debate, respecting the evidence taken at the bar of the house last session upon the effects of the Orders in Council. He had not lately perused that evidence, or he believed he might have produced as strong testimony in support of his opinions as the hon. gent. produced to the contrary; but he recollected perfectly well the manner in which Mr. Maling gave his testimony, and that he was admonished by the chair to be less extravagant in giving his opinions; which circumstance, together with the whole tenor of his evidence, rendered his testimony of very little consequence, on whichever side it was given.

The Question was then put, when there appeared,

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Adjourned at 7 o'clock on Tuesday morning.

HOUSE OF COMMONS.

Tuesday, March 7, 1809.

[Minutes.] Colonel Longford presented a Petition from the Corporation of Cork, against the Claim of the earl of Ormond to the Prisage of Wines imported into Ireland.—On the motion of the Secretary at War the Mutiny Bill was re-committed, when various amendments relative to the licensing canteens by the commissioners of Excise, with their exemption from billeting of soldiers, were agreed to.

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